

In the Senate of the United States,

August 31, 1998.

Resolved, That the bill from the House of Representatives (H.R. 4276) entitled “An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for the*
3 *Departments of Commerce, Justice, and State, the Judici-*
4 *ary, and related agencies programs for the fiscal year end-*
5 *ing September 30, 1999, and for other purposes, namely:*

1 *TITLE I—DEPARTMENT OF JUSTICE*2 *GENERAL ADMINISTRATION*3 *SALARIES AND EXPENSES*

4 *For expenses necessary for the administration of the*
5 *Department of Justice, \$76,199,000, of which not to exceed*
6 *\$3,317,000 is for the Facilities Program 2000, to remain*
7 *available until expended: Provided, That not to exceed 43*
8 *permanent positions and 44 full-time equivalent workyears*
9 *and \$7,860,000 shall be expended for the Department Lead-*
10 *ership Program: Provided further, That not to exceed 39*
11 *permanent positions and 39 full-time equivalent workyears*
12 *and \$4,660,000 shall be expended for the Offices of Legisla-*
13 *tive Affairs and Public Affairs: Provided further, That the*
14 *latter two aforementioned offices shall not be augmented by*
15 *personnel details, temporary transfers of personnel on either*
16 *a reimbursable or non-reimbursable basis or any other type*
17 *of formal or informal transfer or reimbursement of person-*
18 *nel or funds on either a temporary or long-term basis: Pro-*
19 *vided further, That the Attorney General is authorized to*
20 *transfer, under such terms and conditions as the Attorney*
21 *General shall specify, forfeited real or personal property of*
22 *limited or marginal value, as such value is determined by*
23 *guidelines established by the Attorney General, to a State*
24 *or local government agency, or its designated contractor or*
25 *transferee, for use to support drug abuse treatment, drug*

1 *and crime prevention and education, housing, job skills,*
 2 *and other community-based public health and safety pro-*
 3 *grams: Provided further, That any transfer under the pre-*
 4 *ceding proviso shall not create or confer any private right*
 5 *of action in any person against the United States, and shall*
 6 *be treated as a reprogramming under section 605 of this*
 7 *Act.*

8 *JOINT AUTOMATED BOOKING SYSTEM*

9 *For expenses necessary for the nationwide deployment*
 10 *of a Joint Automated Booking System, \$10,000,000, to re-*
 11 *main available until expended.*

12 *COUNTERTERRORISM FUND*

13 *For necessary expenses, as determined by the Attorney*
 14 *General, \$19,999,000, to remain available until expended,*
 15 *to reimburse any Department of Justice organization for*
 16 *(1) the costs incurred in reestablishing the operational ca-*
 17 *pability of an office or facility which has been damaged*
 18 *or destroyed as a result of any domestic or international*
 19 *terrorist incident, (2) the costs of providing support to*
 20 *counter, investigate or prosecute domestic or international*
 21 *terrorism, including payment of rewards in connection*
 22 *with these activities, (3) the costs of conducting a terrorism*
 23 *threat assessment of Federal agencies and their facilities,*
 24 *(4) the costs associated with ensuring the continuance of*
 25 *essential Government functions during a time of emergency,*
 26 *and (5) the costs of activities related to the protection of*

1 *the Nation’s critical infrastructure: Provided, That any*
2 *Federal agency may be reimbursed for costs associated with*
3 *implementation of the recommendations of the President’s*
4 *Commission on Critical Infrastructure Protection: Provided*
5 *further, That any agency receiving services from the De-*
6 *partment of Justice from the Fund may reimburse the Fund*
7 *and that any such reimbursement shall remain available*
8 *in the Fund until expended: Provided further, That funds*
9 *provided under this paragraph shall be available only after*
10 *the Attorney General notifies the Committees on Appropria-*
11 *tions of the House of Representatives and the Senate in ac-*
12 *cordance with section 605 of this Act.*

13 *In addition, for necessary expenses, as determined by*
14 *the Attorney General, \$174,000,000, to remain available*
15 *until expended, for transfer to the Office of Justice Pro-*
16 *grams (OJP), for counterterrorism grants, contracts, coop-*
17 *erative agreements, and other assistance (including*
18 *amounts for management and administration which shall*
19 *be transferred to and merged with the “Justice Assistance”*
20 *account), to cities, States, territories, and local jurisdic-*
21 *tions; of which \$95,000,000 shall be available for equipping*
22 *first responders in cities, States, territories, and local juris-*
23 *dictions; of which \$5,000,000 shall be available to reimburse*
24 *the Department of Health and Human Services for costs*
25 *associated with Metropolitan Medical Strike Teams; of*

1 *which \$10,000,000 shall be available for technical assistance*
 2 *and evaluation; of which \$7,000,000 shall be available for*
 3 *law enforcement first responder training; of which*
 4 *\$22,000,000 shall be available for public safety first re-*
 5 *sponder training provided through the National Domestic*
 6 *Preparedness Consortium; of which \$25,000,000 shall be*
 7 *available for firefighter and emergency medical services*
 8 *equipment; and of which \$10,000,000 shall be available for*
 9 *situational training exercises.*

10 ADMINISTRATIVE REVIEW AND APPEALS

11 *For expenses necessary for the administration of par-*
 12 *don and clemency petitions and immigration related activi-*
 13 *ties, \$41,858,000.*

14 OFFICE OF INSPECTOR GENERAL

15 *For necessary expenses of the Office of Inspector Gen-*
 16 *eral in carrying out the provisions of the Inspector General*
 17 *Act of 1978, as amended, \$33,211,000; including not to ex-*
 18 *ceed \$10,000 to meet unforeseen emergencies of a confiden-*
 19 *tial character, to be expended under the direction of, and*
 20 *to be accounted for solely under the certificate of, the Attor-*
 21 *ney General; and for the acquisition, lease, maintenance,*
 22 *and operation of motor vehicles, without regard to the gen-*
 23 *eral purchase price limitation for the current fiscal year:*
 24 *Provided, That up to one-tenth of one percent of the Depart-*
 25 *ment of Justice's allocation from the Violent Crime Reduc-*
 26 *tion Trust Fund grant programs may be transferred at the*

1 *discretion of the Attorney General to this account for the*
2 *audit or other review of such grant programs, as authorized*
3 *by section 130005 of the Violent Crime Control and Law*
4 *Enforcement Act of 1994 (Public Law 103–322).*

5 *UNITED STATES PAROLE COMMISSION*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the United States Parole*
8 *Commission as authorized by law, \$7,969,000.*

9 *LEGAL ACTIVITIES*

10 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

11 *For expenses necessary for the legal activities of the*
12 *Department of Justice, not otherwise provided for, includ-*
13 *ing not to exceed \$20,000 for expenses of collecting evidence,*
14 *to be expended under the direction of, and to be accounted*
15 *for solely under the certificate of, the Attorney General; and*
16 *rent of private or Government-owned space in the District*
17 *of Columbia; and for annual obligations of membership in*
18 *law-based international organizations pursuant to treaties*
19 *ratified pursuant to the advice and consent of the Senate,*
20 *conventions, or specific Acts of Congress, notwithstanding*
21 *any other provision of law; \$485,511,000; of which not to*
22 *exceed \$10,000,000 for litigation support contracts shall re-*
23 *main available until expended: Provided, That of the funds*
24 *available in this appropriation, not to exceed \$17,834,000*
25 *shall remain available until expended for office automation*

1 *systems for the legal divisions covered by this appropria-*
 2 *tion, and for the United States Attorneys, the Antitrust Di-*
 3 *vision, and offices funded through “Salaries and Expenses”,*
 4 *General Administration: Provided further, That of the total*
 5 *amount appropriated, not to exceed \$1,000 shall be avail-*
 6 *able to the United States National Central Bureau,*
 7 *INTERPOL, for official reception and representation ex-*
 8 *penses.*

9 *In addition, for reimbursement of expenses of the De-*
 10 *partment of Justice associated with processing cases under*
 11 *the National Childhood Vaccine Injury Act of 1986, as*
 12 *amended, not to exceed \$4,028,000, to be appropriated from*
 13 *the Vaccine Injury Compensation Trust Fund.*

14 *SALARIES AND EXPENSES, ANTITRUST DIVISION*

15 *For expenses necessary for the enforcement of antitrust*
 16 *and kindred laws, \$86,588,000: Provided, That notwith-*
 17 *standing any other provision of law, not to exceed*
 18 *\$86,588,000 of offsetting collections derived from fees col-*
 19 *lected for premerger notification filings under the Hart-*
 20 *Scott-Rodino Antitrust Improvements Act of 1976 (15*
 21 *U.S.C. 18(a)) shall be retained and used for necessary ex-*
 22 *penses in this appropriation, and shall remain available*
 23 *until expended: Provided further, That the sum herein ap-*
 24 *propriated from the General Fund shall be reduced as such*
 25 *offsetting collections are received during fiscal year 1999,*
 26 *so as to result in a final fiscal year 1999 appropriation*

1 *from the General Fund estimated at not more than \$0: Pro-*
2 *vided further, That the third proviso under the heading*
3 *“Salaries and Expenses, Antitrust Division” in Public Law*
4 *105–119 is repealed.*

5 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

6 *For necessary expenses of the Offices of the United*
7 *States Attorneys, including intergovernmental and coopera-*
8 *tive agreements, \$1,083,642,000; of which not to exceed*
9 *\$2,500,000 shall be available until September 30, 2000, for*
10 *(1) training personnel in debt collection, (2) locating debt-*
11 *ors and their property, (3) paying the net costs of selling*
12 *property, and (4) tracking debts owed to the United States*
13 *Government: Provided, That of the total amount appro-*
14 *priated, not to exceed \$8,000 shall be available for official*
15 *reception and representation expenses: Provided further,*
16 *That not to exceed \$10,000,000 of those funds available for*
17 *automated litigation support contracts shall remain avail-*
18 *able until expended: Provided further, That not to exceed*
19 *\$1,200,000 for the design, development, and implementation*
20 *of an information systems strategy for D.C. Superior Court*
21 *shall remain available until expended: Provided further,*
22 *That not to exceed \$2,500,000 for the operation of the Na-*
23 *tional Advocacy Center shall remain available until ex-*
24 *pended: Provided further, That not to exceed \$1,000,000*
25 *shall remain available until expended for the expansion of*
26 *existing Violent Crime Task Forces in United States Attor-*

1 neys Offices into demonstration projects, including inter-
2 governmental, inter-local, cooperative, and task-force agree-
3 ments, however denominated, and contracts with State and
4 local prosecutorial and law enforcement agencies engaged
5 in the investigation and prosecution of violent crimes: Pro-
6 vided further, That, in addition to reimbursable full-time
7 equivalent workyears available to the Office of the United
8 States Attorneys, not to exceed 8,960 positions and 9,125
9 full-time equivalent workyears shall be supported from the
10 funds appropriated in this Act for the United States Attor-
11 neys: Provided further, that of the total amount appro-
12 priated, not to exceed \$3,000,000 shall remain available to
13 hire additional assistant United States Attorneys and in-
14 vestigators to enforce Federal laws designed to keep firearms
15 out of the hands of criminals, and the Attorney General
16 is directed to initiate a selection process to identify two (2)
17 major metropolitan areas (which shall not be in the same
18 geographic area of the United States) which have an unusu-
19 ally high incidence of gun-related crime, where the funds
20 described in this subsection shall be expended: Provided fur-
21 ther, That \$2,300,000 shall be used to provide for additional
22 assistant United States attorneys and investigators to serve
23 in Philadelphia, Pennsylvania and Camden County, New
24 Jersey, to enforce Federal laws designed to prevent the pos-
25 session by criminals of firearms (as that term is defined

1 *in section 921(a) of title 18, United States Code), of which*
2 *\$1,500,000 shall be used to provide for those attorneys and*
3 *investigators in Philadelphia, Pennsylvania and \$800,000*
4 *shall be used to provide for those attorneys and investigators*
5 *in Camden County, New Jersey.*

6 *UNITED STATES TRUSTEE SYSTEM FUND*

7 *For necessary expenses of the United States Trustee*
8 *Program, as authorized by 28 U.S.C. 589a(a),*
9 *\$108,248,000, to remain available until expended and to*
10 *be derived from the United States Trustee System Fund:*
11 *Provided, That, notwithstanding any other provision of*
12 *law, deposits to the Fund shall be available in such amounts*
13 *as may be necessary to pay refunds due depositors: Pro-*
14 *vided further, That, notwithstanding any other provision*
15 *of law, \$100,000,000 of offsetting collections derived from*
16 *fees collected pursuant to 28 U.S.C. 589a(b) shall be re-*
17 *tained and used for necessary expenses in this appropria-*
18 *tion and remain available until expended: Provided further,*
19 *That the sum herein appropriated from the Fund shall be*
20 *reduced as such offsetting collections are received during fis-*
21 *cal year 1999, so as to result in a final fiscal year 1999*
22 *appropriation from the Fund not to exceed \$8,248,000: Pro-*
23 *vided further, That the fourth proviso under the heading*
24 *“United States Trustee Fund” in Public Law 105–119 is*
25 *repealed.*

1 *SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT*2 *COMMISSION*

3 *For expenses necessary to carry out the activities of*
4 *the Foreign Claims Settlement Commission, including serv-*
5 *ices as authorized by 5 U.S.C. 3109, \$1,227,000.*

6 *SALARIES AND EXPENSES, UNITED STATES MARSHALS*7 *SERVICE*

8 *For necessary expenses of the United States Marshals*
9 *Service; including the acquisition, lease, maintenance, and*
10 *operation of vehicles, and the purchase of passenger motor*
11 *vehicles for police-type use, without regard to the general*
12 *purchase price limitation for the current fiscal year,*
13 *\$501,752,000, as authorized by 28 U.S.C. 561(i); of which*
14 *not to exceed \$6,000 shall be available for official reception*
15 *and representation expenses; and of which not to exceed*
16 *\$4,000,000 for development, implementation, maintenance*
17 *and support, and training for an automated prisoner infor-*
18 *mation system, shall remain available until expended.*

19 *CONSTRUCTION*

20 *For planning, constructing, renovating, equipping,*
21 *and maintaining United States Marshals Service prisoner-*
22 *holding space in United States courthouses and federal*
23 *buildings, including the renovation and expansion of pris-*
24 *oner movement areas, elevators, and sallyports, \$4,000,000,*
25 *to remain available until expended.*

1 *JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM*
2 *FUND, UNITED STATES MARSHALS SERVICE*

3 *There is hereby established a Justice Prisoner and*
4 *Alien Transportation System Fund for the payment of nec-*
5 *essary expenses related to the scheduling and transportation*
6 *of United States prisoners and illegal and criminal aliens*
7 *in the custody of the United States Marshals Service, as*
8 *authorized in 18 U.S.C. 4013, including, without limita-*
9 *tion, salaries and expenses, operations, and the acquisition,*
10 *lease, and maintenance of aircraft and support facilities:*
11 *Provided, That the Fund shall be reimbursed or credited*
12 *with advance payments from amounts available to the De-*
13 *partment of Justice, other Federal agencies, and other*
14 *sources at rates that will recover the expenses of Fund oper-*
15 *ations, including, without limitation, accrual of annual*
16 *leave and depreciation of plant and equipment of the Fund:*
17 *Provided further, That proceeds from the disposal of Fund*
18 *aircraft shall be credited to the Fund: Provided further,*
19 *That amounts in the Fund shall be available without fiscal*
20 *year limitation, and may be used for operating equipment*
21 *lease agreements that do not exceed five years: Provided fur-*
22 *ther, That with respect to the transportation of Federal,*
23 *State, local and territorial prisoners and detainees, the*
24 *lease or rent of aircraft by the Justice Prisoner Air Trans-*

1 port System shall be considered use of public aircraft pursu-
 2 ant to 49 U.S.C. section 40102(a)(37).

3 For the initial capitalization costs of the Fund,
 4 \$10,000,000.

5 *FEDERAL PRISONER DETENTION*

6 For expenses, related to United States prisoners in the
 7 custody of the United States Marshals Service as authorized
 8 in 18 U.S.C. 4013, but not including expenses otherwise
 9 provided for in appropriations available to the Attorney
 10 General, \$407,018,000, as authorized by 28 U.S.C. 561(i),
 11 to remain available until expended.

12 *FEES AND EXPENSES OF WITNESSES*

13 For expenses, mileage, compensation, and per diems
 14 of witnesses, for expenses of contracts for the procurement
 15 and supervision of expert witnesses, for private counsel ex-
 16 penses, and for per diems in lieu of subsistence, as author-
 17 ized by law, including advances, \$95,000,000, to remain
 18 available until expended; of which not to exceed \$6,000,000
 19 may be made available for planning, construction, renova-
 20 tions, maintenance, remodeling, and repair of buildings,
 21 and the purchase of equipment incident thereto, for pro-
 22 tected witness safesites; of which not to exceed \$1,000,000
 23 may be made available for the purchase and maintenance
 24 of armored vehicles for transportation of protected wit-
 25 nesses; and of which not to exceed \$4,000,000 may be made
 26 available for the purchase, installation and maintenance of

1 *a secure, automated information network to store and re-*
 2 *trieve the identities and locations of protected witnesses.*

3 *SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE*

4 *For necessary expenses of the Community Relations*
 5 *Service, established by title X of the Civil Rights Act of*
 6 *1964, \$5,319,000: Provided, That notwithstanding any*
 7 *other provision of law, upon a determination by the Attor-*
 8 *ney General that emergent circumstances require additional*
 9 *funding for conflict prevention and resolution activities of*
 10 *the Community Relations Service, the Attorney General*
 11 *may transfer such amounts to the Community Relations*
 12 *Service, from available appropriations for the current fiscal*
 13 *year for the Department of Justice, as may be necessary*
 14 *to respond to such circumstances: Provided further, That*
 15 *any transfer pursuant to the previous proviso shall be treat-*
 16 *ed as a reprogramming under section 605 of this Act and*
 17 *shall not be available for obligation or expenditure except*
 18 *in compliance with the procedures set forth in that section.*

19 *ASSETS FORFEITURE FUND*

20 *For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii),*
 21 *(B), (F), and (G), as amended, \$23,000,000, to be derived*
 22 *from the Department of Justice Assets Forfeiture Fund.*

1 *RADIATION EXPOSURE COMPENSATION*

2 *ADMINISTRATIVE EXPENSES*

3 *For necessary administrative expenses in accordance*
4 *with the Radiation Exposure Compensation Act,*
5 *\$2,000,000.*

6 *INTERAGENCY LAW ENFORCEMENT*

7 *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

8 *For necessary expenses for the detection, investigation,*
9 *and prosecution of individuals involved in organized crime*
10 *drug trafficking not otherwise provided for, to include inter-*
11 *governmental agreements with State and local law enforce-*
12 *ment agencies engaged in the investigation and prosecution*
13 *of individuals involved in organized crime drug trafficking,*
14 *\$294,967,000: Provided, That any amounts obligated from*
15 *appropriations under this heading may be used under au-*
16 *thorities available to the organizations reimbursed from this*
17 *appropriation: Provided further, That any unobligated bal-*
18 *ances remaining available at the end of the fiscal year shall*
19 *revert to the Attorney General for reallocation among par-*
20 *ticipating organizations in succeeding fiscal years, subject*
21 *to the reprogramming procedures described in section 605*
22 *of this Act.*

1 *FEDERAL BUREAU OF INVESTIGATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Bureau of Inves-*
4 *tigation for detection, investigation, and prosecution of*
5 *crimes against the United States; including purchase for*
6 *police-type use of not to exceed 2,668 passenger motor vehi-*
7 *cles, of which 2,000 will be for replacement only, without*
8 *regard to the general purchase price limitation for the cur-*
9 *rent fiscal year, and hire of passenger motor vehicles; acqui-*
10 *sition, lease, maintenance, and operation of aircraft; and*
11 *not to exceed \$70,000 to meet unforeseen emergencies of a*
12 *confidential character, to be expended under the direction*
13 *of, and to be accounted for solely under the certificate of,*
14 *the Attorney General, \$2,522,050,000; of which not to exceed*
15 *\$50,000,000 for automated data processing and tele-*
16 *communications and technical investigative equipment and*
17 *not to exceed \$1,000,000 for undercover operations shall re-*
18 *main available until September 30, 2000; of which not less*
19 *than \$233,473,000 shall be for counterterrorism investiga-*
20 *tions, foreign counterintelligence, and other activities relat-*
21 *ed to our national security; of which not to exceed*
22 *\$61,800,000 shall remain available until expended; of which*
23 *not to exceed \$10,000,000 is authorized to be made available*
24 *for making advances for expenses arising out of contractual*
25 *or reimbursable agreements with State and local law en-*

1 *forcement agencies while engaged in cooperative activities*
2 *related to violent crime, terrorism, organized crime, and*
3 *drug investigations; and of which \$1,500,000 shall be avail-*
4 *able to maintain an independent program office dedicated*
5 *solely to the relocation of the Criminal Justice Information*
6 *Services Division and the automation of fingerprint identi-*
7 *fication services: Provided, That not to exceed \$45,000 shall*
8 *be available for official reception and representation ex-*
9 *penses: Provided further, That no funds in this Act may*
10 *be used to provide ballistics imaging equipment to any*
11 *State or local authority which has obtained similar equip-*
12 *ment through a Federal grant or subsidy unless the State*
13 *or local authority agrees to return that equipment or to*
14 *repay that grant or subsidy to the Federal Government.*

15 *In addition, \$433,124,000 for such purposes, to remain*
16 *available until expended, to be derived from the Violent*
17 *Crime Reduction Trust Fund, as authorized by the Violent*
18 *Crime Control and Law Enforcement Act of 1994 as*
19 *amended, and the Antiterrorism and Effective Death Pen-*
20 *alty Act of 1996.*

21 *CONSTRUCTION*

22 *For necessary expenses to construct or acquire build-*
23 *ings and sites by purchase, or as otherwise authorized by*
24 *law (including equipment for such buildings); conversion*
25 *and extension of federally-owned buildings; and prelimi-*

1 nary planning and design of projects; \$1,287,000, to remain
2 available until expended.

3 *DRUG ENFORCEMENT ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Drug Enforcement Ad-*
6 *ministration, including not to exceed \$70,000 to meet un-*
7 *foreseen emergencies of a confidential character, to be ex-*
8 *pended under the direction of, and to be accounted for solely*
9 *under the certificate of, the Attorney General; expenses for*
10 *conducting drug education and training programs, includ-*
11 *ing travel and related expenses for participants in such pro-*
12 *grams and the distribution of items of token value that pro-*
13 *mote the goals of such programs; purchase of not to exceed*
14 *1,428 passenger motor vehicles, of which 1,080 will be for*
15 *replacement only, for police-type use without regard to the*
16 *general purchase price limitation for the current fiscal year;*
17 *and acquisition, lease, maintenance, and operation of air-*
18 *craft; \$802,054,000, of which not to exceed \$1,800,000 for*
19 *research and \$15,000,000 for transfer to the Drug Diversion*
20 *Control Fee Account for operating expenses shall remain*
21 *available until expended, and of which not to exceed*
22 *\$5,000,000 for purchase of evidence and payments for infor-*
23 *mation, not to exceed \$10,000,000 for contracting for auto-*
24 *mated data processing and telecommunications equipment,*
25 *and not to exceed \$2,000,000 for laboratory equipment,*

1 \$4,000,000 for technical equipment, and \$2,000,000 for air-
2 craft replacement retrofit and parts, shall remain available
3 until September 30, 2000; and of which not to exceed
4 \$50,000 shall be available for official reception and rep-
5 resentation expenses.

6 In addition, \$407,000,000, for such purposes, to re-
7 main available until expended, to be derived from the Vio-
8 lent Crime Reduction Trust Fund.

9 CONSTRUCTION

10 For necessary expenses to construct or acquire build-
11 ings and sites by purchase, or as otherwise authorized by
12 law (including equipment for such buildings); conversion
13 and extension of federally-owned buildings; and prelimi-
14 nary planning and design of projects; \$8,000,000, to remain
15 available until expended.

16 IMMIGRATION AND NATURALIZATION SERVICE

17 SALARIES AND EXPENSES

18 For expenses, not otherwise provided for, necessary for
19 the administration and enforcement of the laws relating to
20 immigration, naturalization, and alien registration, in-
21 cluding not to exceed \$50,000 to meet unforeseen emer-
22 gencies of a confidential character, to be expended under
23 the direction of, and to be accounted for solely under the
24 certificate of, the Attorney General; purchase for police type
25 use (not to exceed 2,904, of which 1,711 are for replacement
26 only), without regard to the general purchase price limita-

1 tion for the current fiscal year, and hire of passenger motor
2 vehicles; acquisition, lease, maintenance and operation of
3 aircraft; research related to immigration enforcement; and
4 for the care and housing of Federal detainees held in the
5 joint Immigration and Naturalization Service and United
6 States Marshals Service's Buffalo Detention Facility;
7 \$1,169,317,000 of which not to exceed \$400,000 for research
8 shall remain available until expended; of which not to ex-
9 ceed \$10,000,000 shall be available for costs associated with
10 the training program for basic officer training, and
11 \$5,000,000 is for payments or advances arising out of con-
12 tractual or reimbursable agreements with State and local
13 law enforcement agencies while engaged in cooperative ac-
14 tivities related to immigration; and of which not to exceed
15 \$5,000,000 is to fund or reimburse other Federal agencies
16 for the costs associated with the care, maintenance, and re-
17 patriation of smuggled illegal aliens: Provided, That none
18 of the funds available to the Immigration and Naturaliza-
19 tion Service shall be available to pay any employee over-
20 time pay in an amount in excess of \$30,000 during the
21 calendar year beginning January 1, 1999: Provided fur-
22 ther, That uniforms may be purchased without regard to
23 the general purchase price limitation for the current fiscal
24 year: Provided further, That not to exceed \$5,000 shall be
25 available for official reception and representation expenses:

1 *Provided further, That not to exceed 20 permanent positions*
2 *and 20 full-time equivalent workyears and \$1,711,000 shall*
3 *be expended for the Office of Legislative Affairs and Public*
4 *Affairs: Provided further, That the latter two aforemen-*
5 *tioned offices shall not be augmented by personnel details,*
6 *temporary transfers of personnel on either a reimbursable*
7 *or non-reimbursable basis or any other type of formal or*
8 *informal transfer or reimbursement of personnel or funds*
9 *on either a temporary or long-term basis: Provided further,*
10 *That the number of positions filled through non-career ap-*
11 *pointment at the Immigration and Naturalization Service,*
12 *for which funding is provided in this Act or is otherwise*
13 *made available to the Immigration and Naturalization*
14 *Service, shall not exceed four permanent positions and four*
15 *full-time equivalent workyears: Provided further, That the*
16 *Border Patrol is authorized to continue helicopter procure-*
17 *ment while developing a report on the cost and capabilities*
18 *of a mixed fleet of manned and unmanned aerial vehicles,*
19 *helicopters, and fixed-winged aircraft.*

20 *In addition, \$1,099,667,000, for such purposes, to re-*
21 *main available until expended, to be derived from the Vio-*
22 *lent Crime Reduction Trust Fund.*

23 *CONSTRUCTION*

24 *For planning, construction, renovation, equipping,*
25 *and maintenance of buildings and facilities necessary for*
26 *the administration and enforcement of the laws relating to*

1 *immigration, naturalization, and alien registration, not*
2 *otherwise provided for, \$110,251,000, to remain available*
3 *until expended.*

4 *FEDERAL PRISON SYSTEM*

5 *SALARIES AND EXPENSES*

6 *For expenses necessary for the administration, oper-*
7 *ation, and maintenance of Federal penal and correctional*
8 *institutions, including purchase (not to exceed 763, of which*
9 *599 are for replacement only) and hire of law enforcement*
10 *and passenger motor vehicles, and for the provision of tech-*
11 *nical assistance and advice on corrections related issues to*
12 *foreign governments; \$2,909,956,000: Provided, That the*
13 *Attorney General may transfer to the Health Resources and*
14 *Services Administration such amounts as may be necessary*
15 *for direct expenditures by that Administration for medical*
16 *relief for inmates of Federal penal and correctional institu-*
17 *tions: Provided further, That the Director of the Federal*
18 *Prison System (FPS), where necessary, may enter into con-*
19 *tracts with a fiscal agent/fiscal intermediary claims proc-*
20 *essor to determine the amounts payable to persons who, on*
21 *behalf of the FPS, furnish health services to individuals*
22 *committed to the custody of the FPS: Provided further, That*
23 *not to exceed \$6,000 shall be available for official reception*
24 *and representation expenses: Provided further, That not to*
25 *exceed \$90,000,000 for the activation of new facilities shall*

1 remain available until September 30, 2000: Provided fur-
 2 ther, That of the amounts provided for Contract Confine-
 3 ment, not to exceed \$20,000,000 shall remain available
 4 until expended to make payments in advance for grants,
 5 contracts and reimbursable agreements, and other expenses
 6 authorized by section 501(c) of the Refugee Education As-
 7 sistance Act of 1980, as amended, for the care and security
 8 in the United States of Cuban and Haitian entrants: Pro-
 9 vided further, That notwithstanding section 4(d) of the
 10 Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may
 11 enter into contracts and other agreements with private enti-
 12 ties for periods of not to exceed 3 years and 7 additional
 13 option years for the confinement of Federal prisoners.

14 In addition, \$9,559,000, for such purposes, to remain
 15 available until expended, to be derived from the Violent
 16 Crime Reduction Trust Fund.

17 BUILDINGS AND FACILITIES

18 For planning, acquisition of sites and construction of
 19 new facilities; leasing the Oklahoma City Airport Trust Fa-
 20 cility; purchase and acquisition of facilities and remodel-
 21 ing, and equipping of such facilities for penal and correc-
 22 tional use, including all necessary expenses incident thereto,
 23 by contract or force account; and constructing, remodeling,
 24 and equipping necessary buildings and facilities at existing
 25 penal and correctional institutions, including all necessary
 26 expenses incident thereto, by contract or force account;

1 \$379,197,000, to remain available until expended, of which
2 not to exceed \$14,074,000 shall be available to construct
3 areas for inmate work programs: Provided, That labor of
4 United States prisoners may be used for work performed
5 under this appropriation: Provided further, That not to ex-
6 ceed 10 percent of the funds appropriated to “Buildings and
7 Facilities” in this Act or any other Act may be transferred
8 to “Salaries and Expenses”, Federal Prison System, upon
9 notification by the Attorney General to the Committees on
10 Appropriations of the House of Representatives and the
11 Senate in compliance with provisions set forth in section
12 605 of this Act.

13 *FEDERAL PRISON INDUSTRIES, INCORPORATED*

14 *The Federal Prison Industries, Incorporated, is hereby*
15 *authorized to make such expenditures, within the limits of*
16 *funds and borrowing authority available, and in accord*
17 *with the law, and to make such contracts and commitments,*
18 *without regard to fiscal year limitations as provided by sec-*
19 *tion 9104 of title 31, United States Code, as may be nec-*
20 *essary in carrying out the program set forth in the budget*
21 *for the current fiscal year for such corporation, including*
22 *purchase of (not to exceed five for replacement only) and*
23 *hire of passenger motor vehicles.*

1 *LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL*
2 *PRISON INDUSTRIES, INCORPORATED*

3 *Not to exceed \$3,266,000 of the funds of the corporation*
4 *shall be available for its administrative expenses, and for*
5 *services as authorized by 5 U.S.C. 3109, to be computed*
6 *on an accrual basis to be determined in accordance with*
7 *the corporation's current prescribed accounting system, and*
8 *such amounts shall be exclusive of depreciation, payment*
9 *of claims, and expenditures which the said accounting sys-*
10 *tem requires to be capitalized or charged to cost of commod-*
11 *ities acquired or produced, including selling and shipping*
12 *expenses, and expenses in connection with acquisition, con-*
13 *struction, operation, maintenance, improvement, protec-*
14 *tion, or disposition of facilities and other property belong-*
15 *ing to the corporation or in which it has an interest.*

16 *OFFICE OF JUSTICE PROGRAMS*
17 *JUSTICE ASSISTANCE*

18 *For grants, contracts, cooperative agreements, and*
19 *other assistance authorized by title I of the Omnibus Crime*
20 *Control and Safe Streets Act of 1968, as amended, and the*
21 *Missing Children's Assistance Act, as amended, including*
22 *salaries and expenses in connection therewith, and the Vic-*
23 *tims of Crime Act of 1984, as amended, and section 822*
24 *of the Antiterrorism and Effective Death Penalty Act of*
25 *1996, \$170,151,000, to remain available until expended, as*

1 *authorized by section 1001 of title I of the Omnibus Crime*
 2 *Control and Safe Streets Act, as amended by Public Law*
 3 *102–534 (106 Stat. 3524).*

4 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

5 *For grants, contracts, cooperative agreements, and*
 6 *other assistance authorized by part E of title I of the Omni-*
 7 *bus Crime Control and Safe Streets Act of 1968, as amend-*
 8 *ed, for State and Local Narcotics Control and Justice As-*
 9 *sistance Improvements, notwithstanding the provisions of*
 10 *section 511 of said Act, \$552,000,000, to remain available*
 11 *until expended, as authorized by section 1001 of title I of*
 12 *said Act, as amended by Public Law 102–534 (106 Stat.*
 13 *3524), of which \$47,000,000 shall be available to carry out*
 14 *the provisions of chapter A of subpart 2 of part E of title*
 15 *I of said Act, for discretionary grants under the Edward*
 16 *Byrne Memorial State and Local Law Enforcement Assist-*
 17 *ance Programs, including \$4,500,000 which shall be avail-*
 18 *able to the Executive Office of United States Attorneys to*
 19 *support the National District Attorneys Association’s par-*
 20 *ticipation in legal education training at the National Advo-*
 21 *cacy Center.*

22 *VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL*
 23 *LAW ENFORCEMENT ASSISTANCE*

24 *For assistance (including amounts for administrative*
 25 *costs for management and administration, which amounts*
 26 *shall be transferred to and merged with the “Justice Assist-*

1 *ance” account) authorized by the Violent Crime Control and*
2 *Law Enforcement Act of 1994 (Public Law 103–322), as*
3 *amended (“the 1994 Act”); the Omnibus Crime Control and*
4 *Safe Streets Act of 1968, as amended (“the 1968 Act”); and*
5 *the Victims of Child Abuse Act of 1990, as amended (“the*
6 *1990 Act”); \$2,124,650,000, to remain available until ex-*
7 *pended, which shall be derived from the Violent Crime Re-*
8 *duction Trust Fund; of which \$500,000,000 shall be for*
9 *Local Law Enforcement Block Grants, pursuant to H.R.*
10 *728 as passed by the House of Representatives on February*
11 *14, 1995, except that for purposes of this Act, the Common-*
12 *wealth of Puerto Rico shall be considered a “unit of local*
13 *government” as well as a “State”, for the purposes set forth*
14 *in paragraphs (A), (B), (D), (F), and (I) of section*
15 *101(a)(2) of H.R. 728 and for establishing crime prevention*
16 *programs involving cooperation between community resi-*
17 *dents and law enforcement personnel in order to control,*
18 *detect, or investigate crime or the prosecution of criminals:*
19 *Provided, That no funds provided under this heading may*
20 *be used as matching funds for any other Federal grant pro-*
21 *gram: Provided further, That \$40,000,000 of this amount*
22 *shall be for Boys and Girls Clubs in public housing facili-*
23 *ties and other areas in cooperation with State and local*
24 *law enforcement: Provided further, That funds may also be*
25 *used to defray the costs of indemnification insurance for*

1 law enforcement officers: Provided further, That, hereafter,
2 for the purpose of eligibility for the Local Law Enforcement
3 Block Grant Program in the State of Louisiana, parish
4 sheriffs are to be considered the unit of local government
5 at the parish level under section 108 of H.R. 728: Provided
6 further, That \$20,000,000 shall be available to carry out
7 section 102(2) of H.R. 728; of which \$45,000,000 shall be
8 for grants to upgrade criminal records, as authorized by
9 section 106(b) of the Brady Handgun Violence Prevention
10 Act of 1993, as amended, and section 4(b) of the National
11 Child Protection Act of 1993; of which \$350,000,000 shall
12 be for the State Criminal Alien Assistance Program, as au-
13 thorized by section 242(j) of the Immigration and National-
14 ity Act, as amended; of which \$711,000,000 shall be for Vio-
15 lent Offender Incarceration and Truth in Sentencing Incen-
16 tive Grants pursuant to subtitle A of title II of the 1994
17 Act, of which \$150,000,000 shall be available for payments
18 to States for incarceration of criminal aliens, of which
19 \$25,000,000 shall be available for the Cooperative Agree-
20 ment Program, and of which \$52,000,000 shall be for the
21 construction, renovation and repair of tribal detention fa-
22 cilities; of which \$9,000,000 shall be for the Court Ap-
23 pointed Special Advocate Program, as authorized by section
24 218 of the 1990 Act; of which \$2,000,000 shall be for Child
25 Abuse Training Programs for Judicial Personnel and Prac-

1 *titioners, as authorized by section 224 of the 1990 Act; of*
2 *which \$210,750,000 shall be for Grants to Combat Violence*
3 *Against Women, to States, units of local government, and*
4 *Indian tribal governments, as authorized by section*
5 *1001(a)(18) of the 1968 Act, including \$12,000,000 which*
6 *shall be used exclusively for the purpose of strengthening*
7 *civil legal assistance programs for victims of domestic vio-*
8 *lence, and \$10,000,000 which shall be used exclusively for*
9 *violence on college campuses: Provided further, That, of*
10 *these funds, \$5,200,000 shall be provided to the National*
11 *Institute of Justice for research and evaluation of violence*
12 *against women, \$1,196,000 shall be provided to the Office*
13 *of the United States Attorney for the District of Columbia*
14 *for domestic violence programs in D.C. Superior Court, and*
15 *\$10,000,000 shall be available to the Office of Juvenile Jus-*
16 *tice and Delinquency Prevention for the Safe Start Pro-*
17 *gram, to be administered as authorized by part C of the*
18 *Juvenile Justice and Delinquency Act of 1974, as amended;*
19 *of which \$30,000,000 shall be for Grants to Encourage Ar-*
20 *rest Policies to States, units of local government, and In-*
21 *dian tribal governments, as authorized by section*
22 *1001(a)(19) of the 1968 Act; of which \$25,000,000 shall be*
23 *for Rural Domestic Violence and Child Abuse Enforcement*
24 *Assistance Grants, as authorized by section 40295 of the*
25 *1994 Act; of which \$5,000,000 shall be for training pro-*

1 *grams to assist probation and parole officers who work with*
2 *released sex offenders, as authorized by section 40152(c) of*
3 *the 1994 Act, and for local demonstration projects; of which*
4 *\$1,000,000 shall be for grants for televised testimony, as au-*
5 *thorized by section 1001(a)(7) of the 1968 Act; of which*
6 *\$10,000,000 shall be for the Tribal Courts Initiative, in-*
7 *cluding \$400,000 for the establishment of a Sioux Nation*
8 *Tribal Supreme Court; of which \$63,000,000 shall be for*
9 *grants for residential substance abuse treatment for State*
10 *prisoners, as authorized by section 1001(a)(17) of the 1968*
11 *Act; of which \$15,000,000 shall be for grants to States and*
12 *units of local government for projects to improve DNA anal-*
13 *ysis, as authorized by section 1001(a)(22) of the 1968 Act;*
14 *of which \$900,000 shall be for the Missing Alzheimer's Dis-*
15 *ease Patient Alert Program, as authorized by section*
16 *240001(c) of the 1994 Act; of which \$2,000,000 shall be for*
17 *Motor Vehicle Theft Prevention Programs, as authorized by*
18 *section 220002(h) of the 1994 Act; of which \$40,000,000*
19 *shall be for Drug Courts, as authorized by title V of the*
20 *1994 Act; of which \$2,000,000 shall be for Law Enforcement*
21 *Family Support Programs, as authorized by section*
22 *1001(a)(21) of the 1968 Act; of which \$2,000,000 shall be*
23 *for public awareness programs addressing marketing scams*
24 *aimed at senior citizens, as authorized by section 250005(3)*
25 *of the 1994 Act; and of which \$100,000,000 shall be for Ju-*

1 *venile Accountability Incentive Block Grants pursuant to*
2 *Title III of H.R. 3 as passed by the House of Representa-*
3 *tives on May 8, 1997, of which \$9,523,685 shall be for dis-*
4 *cretionary grants: Provided further, That notwithstanding*
5 *the requirements of H.R. 3, a State, or unit of local govern-*
6 *ment within such State, shall be eligible for a grant under*
7 *this program if the Governor of the State certifies to the*
8 *Attorney General, consistent with guidelines established by*
9 *the Attorney General in consultation with Congress, that*
10 *the State is actively considering, or will consider within*
11 *one year from the date of such certification, legislation,*
12 *policies, or practices which if enacted would qualify the*
13 *State for a grant under section 1802 of H.R. 3: Provided*
14 *further, That 3 percent shall be available to the Attorney*
15 *General for research, evaluation, and demonstration con-*
16 *sistent with this program and 2 percent shall be available*
17 *to the Attorney General for training and technical assist-*
18 *ance consistent with this program: Provided further, That*
19 *not less than 45 percent of any grant provided to a State*
20 *or unit of local government shall be spent for the purposes*
21 *set forth in paragraphs (3) through (9), and not less than*
22 *35 percent shall be spent for the purposes set forth in para-*
23 *graphs (1), (2) and (10) of section 1801(b) of H.R. 3, unless*
24 *the State or unit of local government certifies to the Attor-*
25 *ney General or the State, whichever is appropriate, that*

1 *the interests of public safety and juvenile crime control*
2 *would be better served by expending its grant for other pur-*
3 *poses set forth under section 1801(b) of H.R. 3: Provided*
4 *further, That the Federal share limitation in section*
5 *1805(e) of H.R. 3 shall be 50 percent in relation to the costs*
6 *of constructing a permanent juvenile corrections facility:*
7 *Provided further, That prior to receiving a grant under this*
8 *program, a unit of local government must establish a co-*
9 *ordinated enforcement plan for reducing juvenile crime, de-*
10 *veloped by a juvenile crime enforcement coalition, such coa-*
11 *lition consisting of individuals representing the police, sher-*
12 *iff, prosecutor, State or local probation services, juvenile*
13 *court, schools, business, and religious affiliated, fraternal,*
14 *non-profit, or social service organizations involved in crime*
15 *prevention: Provided further, That the conditions of sections*
16 *1802(a)(3) and 1802(b)(1)(C) of H.R. 3 regarding juvenile*
17 *adjudication records require a State or unit of local govern-*
18 *ment to make available to the Federal Bureau of Investiga-*
19 *tion records of delinquency adjudications which are treated*
20 *in a manner equivalent to adult records: Provided further,*
21 *That no State or unit of local government may receive a*
22 *grant under this program unless such State or unit of local*
23 *government has implemented, or will implement no later*
24 *than January 1, 1999, a policy of controlled substance test-*
25 *ing for appropriate categories of juveniles within the juve-*

1 *nile justice system and funds received under this program*
 2 *may be expended for such purpose: Provided further, That*
 3 *the minimum allocation for each State under section*
 4 *1803(a)(1)(A) of H.R. 3 shall be 0.5 percent: Provided fur-*
 5 *ther, That the terms and conditions under this heading for*
 6 *juvenile accountability incentive block grants are effective*
 7 *for fiscal year 1999 only and upon the enactment of author-*
 8 *ization legislation for juvenile accountability incentive*
 9 *block grants, funding provided in this Act shall from that*
 10 *date be subject to the provisions of that legislation and any*
 11 *provisions in this Act that are inconsistent with that legis-*
 12 *lation shall no longer have effect: Provided further, That*
 13 *funds made available in fiscal year 1999 under subpart 1*
 14 *of part E of title I of the 1968 Act may be obligated for*
 15 *programs to assist States in the litigation processing of*
 16 *death penalty Federal habeas corpus petitions and for drug*
 17 *testing initiatives: Provided further, That if a unit of local*
 18 *government uses any of the funds made available under this*
 19 *title to increase the number of law enforcement officers, the*
 20 *unit of local government will achieve a net gain in the num-*
 21 *ber of law enforcement officers who perform nonadministra-*
 22 *tive public safety service.*

23 *WEED AND SEED PROGRAM FUND*

24 *For necessary expenses, including salaries and related*
 25 *expenses of the Executive Office for Weed and Seed, to im-*
 26 *plement “Weed and Seed” program activities, \$40,000,000,*

1 *to remain available until expended, for intergovernmental*
2 *agreements, including grants, cooperative agreements, and*
3 *contracts, with State and local law enforcement agencies en-*
4 *gaged in the investigation and prosecution of violent crimes*
5 *and drug offenses in “Weed and Seed” designated commu-*
6 *nities, and for either reimbursements or transfers to appro-*
7 *priation accounts of the Department of Justice and other*
8 *Federal agencies which shall be specified by the Attorney*
9 *General to execute the “Weed and Seed” program strategy:*
10 *Provided, That funds designated by Congress through lan-*
11 *guage for other Department of Justice appropriation ac-*
12 *counts for “Weed and Seed” program activities shall be*
13 *managed and executed by the Attorney General through the*
14 *Executive Office for Weed and Seed: Provided further, That*
15 *the Attorney General may direct the use of other Depart-*
16 *ment of Justice funds and personnel in support of “Weed*
17 *and Seed” program activities only after the Attorney Gen-*
18 *eral notifies the Committees on Appropriations of the House*
19 *of Representatives and the Senate in accordance with sec-*
20 *tion 605 of this Act.*

21 *COMMUNITY ORIENTED POLICING SERVICES*

22 *VIOLENT CRIME REDUCTION PROGRAMS*

23 *For activities authorized by the Violent Crime Control*
24 *and Law Enforcement Act of 1994, Public Law 103–322*
25 *(“the 1994 Act”) (including administrative costs),*

1 \$1,400,000,000, to remain available until expended, which
2 shall be derived from the Violent Crime Reduction Trust
3 Fund, for Public Safety and Community Policing Grants
4 pursuant to title I of the 1994 Act: Provided, That not to
5 exceed 266 permanent positions and 266 full-time equiva-
6 lent workyears and \$34,023,000 shall be expended for pro-
7 gram management and administration: Provided further,
8 That of the unobligated balances available in this program,
9 \$120,960,000 shall be used for innovative community polic-
10 ing programs, of which \$66,960,000 shall be used for a law
11 enforcement technology program, \$1,000,000 shall be used
12 for police recruitment programs authorized under subtitle
13 H of title III of the 1994 Act, \$15,500,000 shall be used
14 for policing initiatives to combat methamphetamine pro-
15 duction and trafficking, \$12,500,000 shall be used for the
16 Community Policing to Combat Domestic Violence Program
17 pursuant to section 1701(d) of part Q of the Omnibus
18 Crime Control and Safe Streets Act of 1968, as amended,
19 and \$25,000,000 shall be used for the Matching Grant Pro-
20 gram for Law Enforcement Armor Vests pursuant to section
21 2501 of part Y of the Omnibus Crime Control and Safe
22 Streets Act of 1968, as amended: Provided further, That up
23 to \$54,000,000 shall be available to improve tribal law en-
24 forcement including equipment and training.

6 For grants, contracts, cooperative agreements, and
7 other assistance authorized by the Juvenile Justice and De-
8 linquency Prevention Act of 1974, as amended, (“the Act”),
9 including salaries and expenses in connection therewith to
10 be transferred to and merged with the appropriations for
11 Justice Assistance, \$277,597,000, to remain available until
12 expended, as authorized by section 299 of part I of title
13 II and section 506 of title V of the Act, as amended by
14 Public Law 102–586, of which (1) notwithstanding any
15 other provision of law, \$6,847,000 shall be available for ex-
16 penses authorized by part A of title II of the Act,
17 \$96,000,000 shall be available for expenses authorized by
18 part B of title II of the Act, and \$45,750,000 shall be avail-
19 able for expenses authorized by part C of title II of the Act:
20 Provided, That \$26,500,000 of the amounts provided for
21 part B of title II of the Act, as amended, is for the purpose
22 of providing additional formula grants under part B to
23 States that provide assurances to the Administrator that
24 the State has in effect (or will have in effect no later than
25 one year after date of application) policies and programs,
26 that ensure that juveniles are subject to accountability-based

1 sanctions for every act for which they are adjudicated delin-
2 quent; (2) \$12,000,000 shall be available for expenses au-
3 thorized by section 281 and 282 of part D of title II of
4 the Act for prevention and treatment programs relating to
5 juvenile gangs; (3) \$10,000,000 shall be available for ex-
6 penses authorized by section 285 of part E of title II of
7 the Act; (4) \$12,000,000 shall be available for expenses au-
8 thorized by part G of title II of the Act for juvenile mentor-
9 ing programs; and (5) \$95,000,000 shall be available for
10 expenses authorized by title V of the Act for incentive grants
11 for local delinquency prevention programs; of which
12 \$20,000,000 shall be for delinquency prevention, control,
13 and system improvement programs for tribal youth; of
14 which \$25,000,000 shall be available for grants of \$360,000
15 to each state and \$6,640,000 shall be available for discre-
16 tionary grants to states, for programs and activities to en-
17 force state laws prohibiting the sale of alcoholic beverages
18 to minors or the purchase or consumption of alcoholic bev-
19 erages by minors, prevention and reduction of consumption
20 of alcoholic beverages by minors, and for technical assist-
21 ance and training: Provided further, That upon the enact-
22 ment of reauthorization legislation for Juvenile Justice Pro-
23 grams under the Juvenile Justice and Delinquency Preven-
24 tion Act of 1974, as amended, funding provisions in this
25 Act shall from that date be subject to the provisions of that

1 *legislation and any provisions in this Act that are incon-*
2 *sistent with that legislation shall no longer have effect: Pro-*
3 *vided further, That of amounts made available under the*
4 *Juvenile Justice Programs of the Office of Justice Programs*
5 *to carry out part B (relating to Federal Assistance for State*
6 *and Local Programs), subpart II of part C (relating to Spe-*
7 *cial Emphasis Prevention and Treatment Programs), part*
8 *D (relating to Gang-Free Schools and Communities and*
9 *Community-Based Gang Intervention), part E (relating to*
10 *State Challenge Activities), and part G (relating to Mentor-*
11 *ing) of title II of the Juvenile Justice and Delinquency Pre-*
12 *vention Act of 1974, and to carry out the At-Risk Children's*
13 *Program under title V of that Act, not more than 10 percent*
14 *of each such amount may be used for research, evaluation,*
15 *and statistics activities designed to benefit the programs or*
16 *activities authorized under the appropriate part or title,*
17 *and not more than 2 percent of each such amount may be*
18 *used for training and technical assistance activities de-*
19 *signed to benefit the programs or activities authorized*
20 *under that part or title.*

21 *In addition, for grants, contracts, cooperative agree-*
22 *ments, and other assistance authorized by the Victims of*
23 *Child Abuse Act of 1990, as amended, \$7,000,000, to remain*
24 *available until expended, as authorized by section 214B of*
25 *the Act.*

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340).

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

1 *SEC. 104. Nothing in the preceding section shall re-*
2 *move the obligation of the Director of the Bureau of Prisons*
3 *to provide escort services necessary for a female inmate to*
4 *receive such service outside the Federal facility: Provided,*
5 *That nothing in this section in any way diminishes the*
6 *effect of section 103 intended to address the philosophical*
7 *beliefs of individual employees of the Bureau of Prisons.*

8 *SEC. 105. Notwithstanding any other provision of law,*
9 *not to exceed \$10,000,000 of the funds made available in*
10 *this Act may be used to establish and publicize a program*
11 *under which publicly-advertised, extraordinary rewards*
12 *may be paid, which shall not be subject to spending limita-*
13 *tions contained in sections 3059 and 3072 of title 18,*
14 *United States Code: Provided, That any reward of \$100,000*
15 *or more, up to a maximum of \$2,000,000, may not be made*
16 *without the personal approval of the President or the Attor-*
17 *ney General and such approval may not be delegated.*

18 *SEC. 106. Not to exceed 5 percent of any appropriation*
19 *made available for the current fiscal year for the Depart-*
20 *ment of Justice in this Act, including those derived from*
21 *the Violent Crime Reduction Trust Fund, may be trans-*
22 *ferred between such appropriations, but no such appropria-*
23 *tion, except as otherwise specifically provided, shall be in-*
24 *creased by more than 10 percent by any such transfers: Pro-*
25 *vided, That any transfer pursuant to this section shall be*

1 *treated as a reprogramming of funds under section 605 of*
 2 *this Act and shall not be available for obligation except in*
 3 *compliance with the procedures set forth in that section.*

4 *SEC. 107. Any amounts credited to the “Legalization*
 5 *Account” established under section 245(c)(7)(B) of the Im-*
 6 *migration and Nationality Act (8 U.S.C. 1255a(c)(7)(B))*
 7 *are transferred to the “Examinations Fee Account” estab-*
 8 *lished under section 286(m) of that Act (8 U.S.C. 1356(m)).*

9 *SEC. 108. 28 U.S.C. Section 589a(b) is amended—*

- 10 *(1) by striking “and” in paragraph (7);*
- 11 *(2) by striking the period in paragraph (8) and*
 12 *inserting in lieu thereof “; and”; and*
- 13 *(3) by adding a new paragraph as follows:*
 14 *“(9) interest earned on Fund investments.”.*

15 *SEC. 109. Notwithstanding any other provision of law,*
 16 *during fiscal year 1999, the Assistant Attorney General for*
 17 *the Office of Justice Programs of the Department of Jus-*
 18 *tice—*

- 19 *(1) may make grants, or enter into cooperative*
 20 *agreements and contracts, for the Office of Justice*
 21 *Programs and the component organizations of that*
 22 *Office; and*
- 23 *(2) shall have final authority over all grants, co-*
 24 *operative agreements, and contracts made, or entered*

1 *into, for the Office of Justice Programs and the com-*
 2 *ponent organizations of that Office.*

3 *SEC. 110. (a) ADJUSTMENT OF STATUS.—Section*
 4 *245(i) of the Immigration and Nationality Act (8 U.S.C.*
 5 *1255(i)) is amended—*

6 *(1) in paragraph (1), by amending the first sen-*
 7 *tence to read as follows: “Notwithstanding the provi-*
 8 *sions of subsections (a) and (c) of this section, an*
 9 *alien physically present in the United States who—*

10 *“(A) entered the United States without in-*
 11 *spection; or*

12 *“(B) is within one of the classes enumerated*
 13 *in subsection (c) of this section,*
 14 *may apply to the Attorney General for the adjustment*
 15 *of his or her status to that of an alien lawfully admit-*
 16 *ted for permanent residence.”; and*

17 *(2) in paragraph (3)(B), by striking “Breach*
 18 *Bond/Detention Fund established under section*
 19 *286(r)” and inserting “Immigration Detention and*
 20 *Naturalization Activity Account established under*
 21 *section 286(s)”.*

22 *(b) REPEAL.—*

23 *(1) IN GENERAL.—Section 245(k) of the Immi-*
 24 *gration and Nationality Act (8 U.S.C. 1255(k)) is re-*
 25 *pealed.*

1 (2) CONFORMING AMENDMENT.—Section
 2 245(c)(2) of the Immigration and Nationality Act (8
 3 U.S.C. 1255(c)(2)) is amended by striking “subject to
 4 subsection (k),”.

5 (c) IMMIGRATION DETENTION AND NATURALIZATION
 6 ACTIVITY ACCOUNT.—Section 286 of the Immigration and
 7 Nationality Act (8 U.S.C. 1356) is amended by adding at
 8 the end the following new subsection:

9 “(s) IMMIGRATION DETENTION AND NATURALIZATION
 10 ACTIVITY ACCOUNT.—

11 “(1) ESTABLISHMENT.—There is established in
 12 the general fund of the Treasury a separate account
 13 which shall be known as the ‘Immigration Detention
 14 And Naturalization Activity Account’. Notwithstand-
 15 ing any other section of this title, there shall be depos-
 16 ited as offsetting receipts into the Immigration Deten-
 17 tion And Naturalization Activity Account amounts
 18 described in section 245(i)(3)(B) to remain available
 19 until expended.

20 “(2) USES OF THE ACCOUNT.—

21 “(A) IN GENERAL.—The Secretary of the
 22 Treasury shall refund out of the Immigration
 23 Detention And Naturalization Activity Account
 24 to any appropriation the amount paid out of
 25 such appropriation for expenses incurred by the

1 *Attorney General for the detention of aliens, for*
2 *construction relating to such detention, and for*
3 *activities relating to the naturalization of citi-*
4 *zens.*

5 “(B) *QUARTERLY REFUNDS; ADJUST-*
6 *MENTS.—The amounts that are required to be re-*
7 *funded under subparagraph (A) shall be re-*
8 *funded at least quarterly on the basis of esti-*
9 *mates made by the Attorney General of the ex-*
10 *penses referred to in subparagraph (A). Proper*
11 *adjustments shall be made in the amounts subse-*
12 *quently refunded under subparagraph (A) to the*
13 *extent prior estimates were in excess of, or less*
14 *than, the amount required to be refunded under*
15 *subparagraph (A).*

16 “(C) *ESTIMATES IN BUDGET REQUESTS.—*
17 *The amounts required to be refunded from the*
18 *Immigration Detention And Naturalization Ac-*
19 *tivity Account for fiscal year 1999 or any fiscal*
20 *year thereafter shall be refunded in accordance*
21 *with estimates made in the budget request of the*
22 *Attorney General for that fiscal year. Any pro-*
23 *posed changes in the amounts designated in such*
24 *budget requests shall only be made after notifica-*
25 *tion to the Committees on Appropriations of the*

1 *House of Representatives and the Senate in ac-*
2 *cordance with section 605 of Public Law 104–*
3 *134.*

4 “(3) *ANNUAL REPORTS.*—*The Attorney General*
5 *shall annually submit to Congress a report setting*
6 *forth—*

7 “(A) *the financial condition of the Immi-*
8 *gration Detention And Naturalization Activity*
9 *Account for the current fiscal year, including be-*
10 *ginning account balance, revenues, withdrawals,*
11 *and ending account balance; and*

12 “(B) *projections for revenues, withdrawals,*
13 *and the beginning and ending account balances*
14 *for the next fiscal year.”.*

15 “(d) *EFFECTIVE DATE.*—*The amendment made by sub-*
16 *section (a) shall apply to applications for adjustment of sta-*
17 *tus filed on or after the end of the 90-day period beginning*
18 *on the date of enactment of this Act.*

19 *SEC. 111. Notwithstanding any other provision of law,*
20 *with respect to any grant program for which amounts are*
21 *made available under this title, the term “tribal” means*
22 *of or relating to an Indian tribe (as that term is defined*
23 *in section 102(2) of the Federally Recognized Indian Tribe*
24 *List Act of 1994 (25 U.S.C. 479a(2))).*

1 *SEC. 112. Section 286(e)(1)(C) of the Immigration and*
2 *Nationality Act (8 U.S.C. 1356(e)(1)(C)) is amended by in-*
3 *serting “State” and a comma immediately before “terri-*
4 *tory”.*

5 *SEC. 113. For fiscal year 1999 and thereafter, the Di-*
6 *rector of the Bureau of Prisons may make expenditures out*
7 *of the Commissary Fund of the Federal Prison System, re-*
8 *gardless of whether any such expenditure is security-related,*
9 *for programs, goods, and services for the benefit of inmates*
10 *(to the extent the provision of those programs, goods, or*
11 *services to inmates is not otherwise prohibited by law), in-*
12 *cluding—*

13 *(1) the installation, operation, and maintenance*
14 *of the Inmate Telephone System;*

15 *(2) the payment of all the equipment purchased*
16 *or leased in connection with the Inmate Telephone*
17 *System; and*

18 *(3) the salaries, benefits, and other expenses of*
19 *personnel who install, operate, and maintain the In-*
20 *mate Telephone System.*

21 *SEC. 114. (a)(1) Notwithstanding any other provision*
22 *of law, for fiscal year 1999 and thereafter, the Attorney*
23 *General may obligate any funds appropriated for or reim-*
24 *bursed to the Counterterrorism programs, projects or activi-*
25 *ties of the Department of Justice to purchase or lease equip-*

1 *ment or any related items, or to acquire interim services,*
2 *without regard to any otherwise applicable Federal acquisi-*
3 *tion rule, if the Attorney General determines that—*

4 *(A) there is an exigent need for the equipment,*
5 *related items, or services in order to support an ongoing*
6 *counterterrorism, national security, or computer-*
7 *crime investigation or prosecution;*

8 *(B) the equipment, related items, or services re-*
9 *quired are not available within the Department of*
10 *Justice; and*

11 *(C) adherence to that Federal acquisition rule*
12 *would—*

13 *(i) delay the timely acquisition of the equip-*
14 *ment, related items, or services; and*

15 *(ii) adversely affect an ongoing*
16 *counterterrorism, national security, or computer-*
17 *crime investigation or prosecution.*

18 *(2) In this subsection, the term “Federal acquisition*
19 *rule” means any provision of title II or IX of the Federal*
20 *Property and Administrative Services Act of 1949, the Of-*
21 *fice of Federal Procurement Policy Act, the Small Business*
22 *Act, the Federal Acquisition Regulation, or any other provi-*
23 *sion of law or regulation that establishes policies, proce-*
24 *dures, requirements, conditions, or restrictions for procure-*

1 *ments by the head of a department or agency or the Federal*
 2 *Government.*

3 *(b) The Attorney General shall immediately notify the*
 4 *Committees on Appropriations of the House of Representa-*
 5 *tives and the Senate in writing of each expenditure under*
 6 *subsection (a), which notification shall include sufficient*
 7 *information to explain the circumstances necessitating the*
 8 *exercise of the authority under that subsection.*

9 *SEC. 115. Section 210501(b)(1)(A) of the Violent*
 10 *Crime Control and Law Enforcement Act of 1994 (42*
 11 *U.S.C. 14151(b)(1)(A)) is amended by inserting “and pro-*
 12 *vide investigative assistance to tribal law enforcement agen-*
 13 *cies” before the semicolon.*

14 *SEC. 116. (a) Section 110 of division C of Public Law*
 15 *104–208 is repealed.*

16 *(b)(1) Paragraph (2) of section 104(b) of that Act is*
 17 *amended to read as follows:*

18 *“(2) CLAUSE B.—Clause (B) of such sentence*
 19 *shall apply as follows:*

20 *“(A) As of October 1, 2000, to not less than*
 21 *25 percent of the border crossing identification*
 22 *cards in circulation as of April 1, 1998.*

23 *“(B) As of October 1, 2001, to not less than*
 24 *50 percent of such cards in circulation as of*
 25 *April 1, 1998.*

1 “(C) As of October 1, 2002, to not less than
2 75 percent of such cards in circulation as of
3 April 1, 1998.

4 “(D) As of October 1, 2003, to all such
5 cards in circulation as of April 1, 1998.”.

6 (2) Such section 104(b) is further amended by adding
7 at the end the following:

8 “(3) If the Secretary of State and the Attorney
9 General jointly determine that sufficient capacity ex-
10 ists to replace border crossing identification cards in
11 advance of any of the deadlines otherwise provided for
12 under paragraph (2), the Secretary and the Attorney
13 General may by regulation advance such deadlines.”.

14 SEC. 117. (a) The President shall, with the submission
15 of the President’s fiscal year 2000 budget request, submit
16 a Chapter in the Analytical Perspectives Volume (referred
17 to in this section as the “Chapter”) presenting the specific
18 dollar amounts budgeted, by appropriation account and by
19 line item, for counterterrorism and antiterrorism programs,
20 projects, or activities.

21 (b) The Chapter shall provide a narrative outline of
22 the content of, and detail the amounts budgeted for, each
23 program, project, or activity for fiscal years 1998, 1999,
24 2000, and the succeeding 5 years of the Federal
25 Counterterrorism Strategy.

1 (c) *If the President determines that certain portions*
 2 *of the information contained in the Chapter are of a sen-*
 3 *sitive, classified nature, then the President shall submit to*
 4 *Congress a classified version of the Chapter along with the*
 5 *unclassified version published in the Analytical Perspec-*
 6 *tives Volume of the President’s fiscal year 2000 budget re-*
 7 *quest.*

8 *SEC. 118. Section 402(a) of the Controlled Substances*
 9 *Act (21 U.S.C. 842(a)) is amended—*

10 (1) *in paragraph (5), by inserting “knowingly”*
 11 *after “(5)”;* and

12 (2) *in paragraph (10), by inserting “knowingly”*
 13 *after “(10)”.*

14 *SEC. 119. Section 402(c)(1) of the Controlled Sub-*
 15 *stances Act (21 U.S.C. 842(c)(1)) is amended—*

16 (1) *by striking “Except as provided in para-*
 17 *graph (2), any person who violates this section shall”*
 18 *and inserting “(A) Subject to subparagraph (B) of*
 19 *this paragraph and paragraph (2), any person who*
 20 *violates this section may”;* and

21 (2) *by adding at the end the following:*

22 *“(B) In the case of a violation of paragraph*
 23 *(5) or (10) of subsection (a) in which, a result*
 24 *of the violation, no unauthorized person obtains*

1 *unlawful control of a controlled substance, the*
 2 *civil penalty shall be not more than \$500.”.*

3 *SEC. 120. The General Accounting Office shall—*

4 *(1) monitor the compliance of the Department of*
 5 *Justice and all United States Attorneys with the*
 6 *“Guidance on the Use of the False Claims Act in*
 7 *Civil Health Care Matters” issued by the Department*
 8 *of Justice on June 3, 1998, including any revisions*
 9 *to that guidance; and*

10 *(2) not later than February 1, 1999, and again*
 11 *not later than August 2, 1999, submit a report on*
 12 *such compliance to the Committees on the Judiciary*
 13 *and the Committees on Appropriations of the Senate*
 14 *and the House of Representatives.*

15 *SEC. 121. FIREARMS SAFETY. (a) SECURE GUN STOR-*
 16 *AGE DEVICE.—Section 921(a) of title 18, United States*
 17 *Code, is amended by adding at the end the following:*

18 *“(34) The term ‘secure gun storage or safety device’*
 19 *means—*

20 *“(A) a device that, when installed on a firearm,*
 21 *is designed to prevent the firearm from being operated*
 22 *without first deactivating the device;*

23 *“(B) a device incorporated into the design of the*
 24 *firearm that is designed to prevent the operation of*

1 the firearm by anyone not having access to the device;
2 or

3 “(C) a safe, gun safe, gun case, lock box, or other
4 device that is designed to be or can be used to store
5 a firearm and that is designed to be unlocked only by
6 means of a key, a combination, or other similar
7 means.”.

8 (b) *CERTIFICATION REQUIRED IN APPLICATION FOR*
9 *DEALER’S LICENSE.*—Section 923(d)(1) of title 18, United
10 *States Code, is amended—*

11 (1) *in subparagraph (E), by striking “and” at*
12 *the end;*

13 (2) *in subparagraph (F), by striking the period*
14 *at the end and inserting “; and”; and*

15 (3) *by adding at the end the following:*

16 “(G) *in the case of an application to be licensed*
17 *as a dealer, the applicant certifies that secure gun*
18 *storage or safety devices will be available at any place*
19 *in which firearms are sold under the license to per-*
20 *sons who are not licensees (subject to the exception*
21 *that in any case in which a secure gun storage or*
22 *safety device is temporarily unavailable because of*
23 *theft, casualty loss, consumer sales, backorders from a*
24 *manufacturer, or any other similar reason beyond the*
25 *control of the licensee, the dealer shall not be consid-*

1 *ered to be in violation of the requirement under this*
 2 *subparagraph to make available such a device).’’.*

3 *(c) REVOCATION OF DEALER’S LICENSE FOR FAILURE*
 4 *TO HAVE SECURE GUN STORAGE OR SAFETY DEVICES*
 5 *AVAILABLE.—The first sentence of section 923(e) of title 18,*
 6 *United States Code, is amended by inserting before the pe-*
 7 *riod at the end the following: “or fails to have secure gun*
 8 *storage or safety devices available at any place in which*
 9 *firearms are sold under the license to persons who are not*
 10 *licensees (except that in any case in which a secure gun*
 11 *storage or safety device is temporarily unavailable because*
 12 *of theft, casualty loss, consumer sales, backorders from a*
 13 *manufacturer, or any other similar reason beyond the con-*
 14 *trol of the licensee, the dealer shall not be considered to be*
 15 *in violation of the requirement to make available such a*
 16 *device).’’.*

17 *(d) STATUTORY CONSTRUCTION; EVIDENCE.—*

18 *(1) STATUTORY CONSTRUCTION.—Nothing in the*
 19 *amendments made by this section shall be con-*
 20 *strued—*

21 *(A) as creating a cause of action against*
 22 *any firearms dealer or any other person for any*
 23 *civil liability; or*

24 *(B) as establishing any standard of care.*

1 (2) *EVIDENCE.*—*Notwithstanding any other pro-*
 2 *vision of law, evidence regarding compliance or non-*
 3 *compliance with the amendments made by this section*
 4 *shall not be admissible as evidence in any proceeding*
 5 *of any court, agency, board, or other entity.*

6 (e) *EFFECTIVE DATE.*—*The amendments made by this*
 7 *section shall take effect 180 days after the date of enactment*
 8 *of this Act.*

9 SEC. 122. *FIREARM SAFETY EDUCATION GRANTS.* (a)
 10 *IN GENERAL.*—*Section 510 of the Omnibus Crime Control*
 11 *and Safe Streets Act of 1968 (42 U.S.C. 3760) is amend-*
 12 *ed—*

13 (1) *in subsection (a), by striking paragraph (1)*
 14 *and inserting the following:*

15 “(1) *undertaking educational and training pro-*
 16 *grams for—*

17 “(A) *criminal justice personnel; and*

18 “(B) *the general public, with respect to the*
 19 *lawful and safe ownership, storage, carriage, or*
 20 *use of firearms, including the provision of secure*
 21 *gun storage or safety devices;”;*

22 (2) *in the first sentence of subsection (b), by in-*
 23 *serting before the period the following: “and is au-*
 24 *thorized to make grants to, or enter into contracts*
 25 *with, those persons and entities to carry out the pur-*

1 poses specified in subsection (a)(1)(B) in accordance
2 with subsection (c)”; and

3 (3) by adding at the end the following:

4 “(c)(1) In accordance with this subsection, the Director
5 may make a grant to, or enter into a contract with, any
6 person or entity referred to in subsection (b) to provide for
7 a firearm safety program that, in a manner consistent with
8 subsection (a)(1)(B), provides for general public training
9 and dissemination of information concerning firearm safe-
10 ty, secure gun storage, and the lawful ownership, carriage,
11 or use of firearms, including the provision of secure gun
12 storage or safety devices.

13 “(2) Funds made available under a grant under para-
14 graph (1) may not be used (either directly or by supplant-
15 ing non-Federal funds) for advocating or promoting gun
16 control, including making communications that are in-
17 tended to directly or indirectly affect the passage of Federal,
18 State, or local legislation intended to restrict or control the
19 purchase or use of firearms.

20 “(3) Except as provided in paragraph (4), each fire-
21 arm safety program that receives funding under this sub-
22 section shall provide for evaluations that shall be developed
23 pursuant to guidelines that the Director of the National In-
24 stitute of Justice of the Department of Justice, in consulta-
25 tion with the Director of the Bureau of Justice Assistance

1 *and recognized private entities that have expertise in fire-*
 2 *arms safety, education and training, shall establish.*

3 “(4) *With respect to a firearm safety program that re-*
 4 *ceives funding under this section, the Director may waive*
 5 *the evaluation requirement described in paragraph (3) if*
 6 *the Director determines that the program—*

7 “(A) *is not of a sufficient size to justify an eval-*
 8 *uation; or*

9 “(B) *is designed primarily to provide material*
 10 *resources and supplies, and that activity would not*
 11 *justify an evaluation.”.*

12 (b) *EFFECTIVE DATE.—The amendments made by this*
 13 *section shall take effect on the earlier of—*

14 (1) *October 1, 1998; or*

15 (2) *the date of enactment of this Act.*

16 *SEC. 123. FIREARMS. Section 922 of title 18, United*
 17 *States Code, is amended—*

18 (1) *in subsection (d), by striking paragraph (5)*
 19 *and inserting the following:*

20 “(5) *who, being an alien—*

21 “(A) *is illegally or unlawfully in the United*
 22 *States; or*

23 “(B) *except as provided in subsection*
 24 *(y)(2), has been admitted to the United States*
 25 *under a nonimmigrant visa (as that term is de-*

1 *fined in section 101(a)(26) of the Immigration*
 2 *and Nationality Act (8 U.S.C. 1101(a)(26)))”;*
 3 *(2) in subsection (g), by striking paragraph (5)*
 4 *and inserting the following:*

5 *“(5) who, being an alien—*

6 *“(A) is illegally or unlawfully in the United*
 7 *States; or*

8 *“(B) except as provided in subsection*
 9 *(y)(2), has been admitted to the United States*
 10 *under a nonimmigrant visa (as that term is de-*
 11 *fined in section 101(a)(26) of the Immigration*
 12 *and Nationality Act (8 U.S.C. 1101(a)(26)))”;*
 13 *(3) in subsection (s)(3)(B), by striking clause (v)*
 14 *and inserting the following:*

15 *“(v) is not an alien who—*

16 *“(I) is illegally or unlawfully in*
 17 *the United States; or*

18 *“(II) subject to subsection (y)(2),*
 19 *has been admitted to the United States*
 20 *under a nonimmigrant visa (as that*
 21 *term is defined in section 101(a)(26) of*
 22 *the Immigration and Nationality Act*
 23 *(8 U.S.C. 1101(a)(26)))”;* and
 24 *(4) by inserting after subsection (x) the follow-*
 25 *ing:*

1 “(y) *PROVISIONS RELATING TO ALIENS ADMITTED*
2 *UNDER NONIMMIGRANT VISAS.*—

3 “(1) *DEFINITIONS.*—*In this subsection—*

4 “(A) *the term ‘alien’ has the same meaning*
5 *as in section 101(a)(3) of the Immigration and*
6 *Nationality Act (8 U.S.C. 1101(a)(3)); and*

7 “(B) *the term ‘nonimmigrant visa’ has the*
8 *same meaning as in section 101(a)(26) of the*
9 *Immigration and Nationality Act (8 U.S.C.*
10 *1101(a)(26)).*

11 “(2) *EXCEPTIONS.*—*Subsections (d)(5)(B),*
12 *(g)(5)(B), and (s)(3)(B)(v)(II) do not apply to any*
13 *alien who has been lawfully admitted to the United*
14 *States under a nonimmigrant visa, if that alien is—*

15 “(A) *admitted to the United States for law-*
16 *ful hunting or sporting purposes or is in posses-*
17 *sion of a hunting license or permit lawfully*
18 *issued in the United States;*

19 “(B) *an official representative of a foreign*
20 *government who is—*

21 “(i) *accredited to the United States*
22 *Government or the Government’s mission to*
23 *an international organization having its*
24 *headquarters in the United States; or*

1 “(ii) *en route to or from another coun-*
 2 *try to which that alien is accredited;*

3 “(C) *an official of a foreign government or*
 4 *a distinguished foreign visitor who has been so*
 5 *designated by the Department of State; or*

6 “(D) *a foreign law enforcement officer of a*
 7 *friendly foreign government entering the United*
 8 *States on official law enforcement business.*

9 “(3) *WAIVER.—*

10 “(A) *CONDITIONS FOR WAIVER.—Any indi-*
 11 *vidual who has been admitted to the United*
 12 *States under a nonimmigrant visa may receive*
 13 *a waiver from the requirements of subsection*
 14 *(g)(5), if—*

15 “(i) *the individual submits to the At-*
 16 *torney General a petition that meets the re-*
 17 *quirements of subparagraph (C); and*

18 “(ii) *the Attorney General approves the*
 19 *petition.*

20 “(B) *PETITION.—Each petition under sub-*
 21 *paragraph (B) shall—*

22 “(i) *demonstrate that the petitioner has*
 23 *resided in the United States for a continu-*
 24 *ous period of not less than 180 days before*

1 *the date on which the petition is submitted*
2 *under this paragraph; and*

3 “(ii) include a written statement from
4 *the embassy or consulate of the petitioner,*
5 *authorizing the petitioner to acquire a fire-*
6 *arm or ammunition and certifying that the*
7 *alien would not, absent the application of*
8 *subsection (g)(5)(B), otherwise be prohibited*
9 *from such acquisition under subsection (g).*

10 “(C) *APPROVAL OF PETITION.*—*The Attor-*
11 *ney General shall approve a petition submitted*
12 *in accordance with this paragraph, if the Attor-*
13 *ney General determines that waiving the require-*
14 *ments of subsection (g)(5)(B) with respect to the*
15 *petitioner—*

16 “(i) *would be in the interests of justice;*
17 *and*

18 “(ii) *would not jeopardize the public*
19 *safety.”.*

20 *SEC. 124. MENTAL HEALTH SCREENING AND TREAT-*
21 *MENT FOR PRISONERS. (a) ADDITIONAL REQUIREMENTS*
22 *FOR THE USE OF FUNDS UNDER THE VIOLENT OFFENDER*
23 *INCARCERATION AND TRUTH-IN-SENTENCING GRANTS PRO-*
24 *GRAM.*—*Section 20105(b) of the Violent Crime Control and*
25 *Law Enforcement Act of 1994 is amended to read as follows:*

1 “(b) *ADDITIONAL REQUIREMENTS.*—

2 “(1) *ELIGIBILITY FOR GRANT.*—*To be eligible to*
3 *receive a grant under section 20103 or 20104, a State*
4 *shall, not later than January 1, 1999, have a pro-*
5 *gram of mental health screening and treatment for*
6 *appropriate categories of convicted juvenile and other*
7 *offenders during periods of incarceration and juvenile*
8 *and criminal justice supervision, that is consistent*
9 *with guidelines issued by the Attorney General.*

10 “(2) *USE OF FUNDS.*—

11 “(A) *IN GENERAL.*—*Notwithstanding any*
12 *other provision of this subtitle, amounts made*
13 *available to a State under section 20103 or*
14 *20104 may be applied to the costs of programs*
15 *described in paragraph (1), consistent with*
16 *guidelines issued by the Attorney General.*

17 “(B) *ADDITIONAL USE.*—*In addition to*
18 *being used as specified in subparagraph (A), the*
19 *funds referred to in that subparagraph may be*
20 *used by a State to pay the costs of providing to*
21 *the Attorney General a baseline study on the*
22 *mental health problems of juvenile offenders and*
23 *prisoners in the State, which study shall be con-*
24 *sistent with guidelines issued by the Attorney*
25 *General.”.*

1 *SEC. 125. Section 3486(a)(1) of title 18, United States*
 2 *Code, is amended by inserting “or any act or activity in-*
 3 *volving a Federal offense relating to the sexual exploitation*
 4 *or other abuse of children,” after “health care offense,”.*

5 *SEC. 126. Section 505 of the Incentive Grants for Local*
 6 *Delinquency Prevention Programs Act (42 U.S.C. 5784) is*
 7 *amended—*

8 *(1) in subsection (a)—*

9 *(A) in paragraph (6), by striking “and” at*
 10 *the end;*

11 *(B) in paragraph (7), by striking the period*
 12 *at the end and inserting “; and”; and*

13 *(C) by adding at the end the following:*

14 *“(8) court supervised initiatives that address the*
 15 *illegal possession of firearms by juveniles.”; and*

16 *(2) in subsection (c)—*

17 *(A) in the matter preceding paragraph (1),*
 18 *by striking “demonstrate ability in”;*

19 *(B) in paragraph (1), by inserting “have in*
 20 *effect” after “(1)”;*

21 *(C) in paragraph (2)—*

22 *(i) by inserting “have developed” after*
 23 *“(2)”;* *and*

24 *(ii) by striking “and” at the end;*

25 *(D) in paragraph (3)—*

1 (i) by inserting “are actively” after
2 “(3)”; and

3 (ii) by striking the period at the end
4 and inserting “; and”; and

5 (E) by adding at the end the following:

6 “(4) have in effect a policy or practice that re-
7 quires State and local law enforcement agencies to de-
8 tain for not less than 24 hours any juvenile who un-
9 lawfully possesses a firearm in a school, upon a find-
10 ing by a judicial officer that the juvenile may be a
11 danger to himself or herself, or to the community.”.

12 SEC. 127. INTENSIVE FIREARMS ENFORCEMENT INI-
13 TIATIVES. (a)(1) The Secretary of the Treasury shall en-
14 deavor to expand the number of cities and counties directly
15 participating in the Youth Crime Gun Interdiction Initia-
16 tive, as enhanced in this section (and referred hereafter to
17 as “YCGII/Exile”) to 50 cities or counties by October 1,
18 2000, to 75 cities or counties by October 1, 2002, and to
19 150 cities or counties by October 1, 2003.

20 (2) Cities and counties selected for participation in the
21 YCGII/Exile shall be selected by the Secretary of the Treas-
22 ury and in consultation with Federal, State and local law
23 enforcement officials. Not later than February 1, 1999, the
24 Secretary shall deliver to the Congress, through the Chair-
25 man of each Committee on Appropriations, a full report,

1 *empirically based, explaining the impact of the pre-existing*
2 *youth crime gun interdiction initiative on Federal firearms*
3 *related offenses. The report shall also state in detail the*
4 *plans by the Secretary to implement this section and the*
5 *establishment of YCGII/Exile program.*

6 *(b)(1) The Secretary of the Treasury shall, utilizing*
7 *the information provided by the YCGII/Exile, facilitate the*
8 *identification and prosecution of individuals—*

9 *(A) illegally transferring firearms to individuals,*
10 *particularly to those who have not attained 24 years*
11 *of age, or in violation of the Youth Handgun Safety*
12 *Act; and*

13 *(B) illegally possessing firearms, particularly in*
14 *violation of section 922(g) (1)–(2) of title 18, United*
15 *States Code, or in violation of any provision in sec-*
16 *tion 924 of title 18, United States Code, in connection*
17 *with a serious drug offense or violent felony, as those*
18 *terms are used in that section.*

19 *(2) Within funds appropriated in this Act for nec-*
20 *essary expenses of the Offices of United States Attorneys,*
21 *\$1,500,000 shall be available for the Attorney General to*
22 *hire additional assistant United States Attorneys and in-*
23 *vestigators in the City of Philadelphia, Pennsylvania, for*
24 *a demonstration project to identify and prosecute individ-*
25 *uals in possession of firearms in violation of Federal law.*

1 (3) *The Attorney General, and the United States Attor-*
2 *neys, shall give the highest possible prosecution priority to*
3 *the offenses stated in this subsection.*

4 (4) *The Secretary of the Treasury shall share informa-*
5 *tion derived from the YCGII/Exile with State and local law*
6 *enforcement agencies through on-line computer access, as*
7 *soon as such capability is available.*

8 (c)(1) *The Secretary of the Treasury shall award*
9 *grants (in the form of funds or equipment) to States, cities,*
10 *and counties for purposes of assisting such entities in the*
11 *tracing of firearms and participation in the YCGII/Exile.*

12 (2) *Grants made under this part shall be used—*

13 (A) *to hire additional law enforcement personnel*
14 *for the purpose of enhanced efforts in identifying and*
15 *arresting individuals for the firearms offenses stated*
16 *in subsection (b); and*

17 (B) *to purchase additional equipment, including*
18 *automatic data processing equipment and computer*
19 *software and hardware, for the timely submission and*
20 *analysis of tracing data.*

21 SEC. 128. *Section 170102 of the Violent Crime Control*
22 *and Law Enforcement Act of 1994 (42 U.S.C. 14072) is*
23 *amended—*

24 (1) *in subsection (a)(2), by striking “or”;*

1 (2) in subsection (g)(3), by striking “minimally
2 sufficient” and inserting “State sexual offender”; and

3 (3) by amending subsection (i) to read as fol-
4 lows:

5 “(i) *PENALTY.*—A person who is—

6 “(1) required to register under paragraph (1),
7 (2), or (3) of subsection (g) of this section and know-
8 ingly fails to comply with this section;

9 “(2) required to register under a sexual offender
10 registration program in the person’s State of resi-
11 dence and knowingly fails to register in any other
12 State in which the person is employed, carries on a
13 vocation, or is a student;

14 “(3) described in section 4042(c)(4) of title 18,
15 United States Code, and knowingly fails to register in
16 any State in which the person resides, is employed,
17 carries on a vocation, or is a student following release
18 from prison or sentencing to probation; or

19 “(4) sentenced by a court martial for conduct in
20 a category specified by the Secretary of Defense under
21 section 115(a)(8)(C) of title I of Public Law 105–119,
22 and knowingly fails to register in any State in which
23 the person resides, is employed, carries on a vocation,
24 or is a student following release from prison or sen-
25 tencing to probation, shall, in the case of a first of-

1 *fense under this subsection, be imprisoned for not*
 2 *more than 1 year and, in the case of a second or sub-*
 3 *sequent offense under this subsection, be imprisoned*
 4 *for not more than 10 years.”.*

5 *SEC. 129. (a) IN GENERAL.—Section 200108 of the Po-*
 6 *lice Corps Act (42 U.S.C. 14097) is amended by striking*
 7 *subsection (b) and inserting the following:*

8 *“(b) TRAINING SESSIONS.—A participant in a State*
 9 *Police Corps program shall attend up to 24 weeks, but no*
 10 *less than 16 weeks, of training at a residential training*
 11 *center. The Director may approve training conducted in not*
 12 *more than 3 separate sessions.”.*

13 *(b) CONFORMING AMENDMENT.—Section 200108 (c) of*
 14 *the Police Corps Act (42 U.S.C. 14097(c)) is amended by*
 15 *striking “16 weeks of”.*

16 *(c) REAUTHORIZATION.—Section 200112 of the Police*
 17 *Corps Act (42 U.S.C. 14101) is amended by striking*
 18 *“\$20,000” and all that follows before the period and insert-*
 19 *ing “\$50,000,000 for fiscal year 1999, \$70,000,000 for fiscal*
 20 *year 2000, \$90,000,000 for fiscal year 2001, and*
 21 *\$90,000,000 for fiscal year 2002”.*

22 *SEC. 130. INTERNET PREDATOR PREVENTION. (a)*
 23 *PROHIBITION AND PENALTIES.—Chapter 110 of title 18,*
 24 *United States Code, is amended by adding at the end the*
 25 *following:*

1 **“§2261. Publication of identifying information relat-**
 2 **ing to a minor for criminal sexual pur-**
 3 **poses**

4 “(a) *DEFINITION OF IDENTIFYING INFORMATION RE-*
 5 *LATING TO A MINOR.*—*In this section, the term ‘identifying*
 6 *information relating to a minor’ includes the name, ad-*
 7 *dress, telephone number, social security number, or e-mail*
 8 *address of a minor.*

9 “(b) *PROHIBITION AND PENALTIES.*—*Whoever,*
 10 *through the use of any facility in or affecting interstate or*
 11 *foreign commerce (including any interactive computer serv-*
 12 *ice) publishes, or causes to be published, any identifying*
 13 *information relating to a minor who has not attained the*
 14 *age of 17 years, for the purpose of soliciting any person*
 15 *to engage in any sexual activity for which the person can*
 16 *be charged with criminal offense under Federal or State*
 17 *law, shall be imprisoned not less than 1 and not more than*
 18 *5 years, fined under this title, or both.”.*

19 (b) *TECHNICAL AMENDMENT.*—*The analysis for chap-*
 20 *ter 110 of title 18, United States Code, is amended by add-*
 21 *ing at the end the following:*

*“2261. Publication of identifying information relating to a minor for criminal
sexual purposes.”.*

22 *SEC. 131. TRANSFER OF COUNTY.*— (a) *Section 118*
 23 *of title 28, United States Code, is amended—*

1 (1) *in subsection (a) by striking “Philadelphia,*
 2 *and Schuylkill” and inserting “and Philadelphia”;*
 3 *and*

4 (2) *in subsection (b) by inserting “Schuylkill,”*
 5 *after “Potter,”.*

6 (b) *EFFECTIVE DATE.—*

7 (1) *IN GENERAL.—This section and the amend-*
 8 *ments made by this section shall take effect 180 days*
 9 *after the date of the enactment of this Act.*

10 (2) *PENDING CASES NOT AFFECTED.—This sec-*
 11 *tion and the amendments made by this section shall*
 12 *not affect any action commenced before the effective*
 13 *date of this section and pending on such date in the*
 14 *United States District Court for the Eastern District*
 15 *of Pennsylvania.*

16 (3) *JURIES NOT AFFECTED.—This section and*
 17 *the amendments made by this section shall not affect*
 18 *the composition, or preclude the service, of any grand*
 19 *or petit jury summoned, impaneled, or actually serv-*
 20 *ing on the effective date of this section.*

21 SEC. 132. *SPECIAL MASTERS FOR CIVIL ACTIONS CON-*
 22 *CERNING PRISON CONDITIONS. Section 3626(f) of title 18,*
 23 *United States Code, is amended—*

24 (1) *by striking the subsection heading and in-*
 25 *serting the following:*

1 “(f) *SPECIAL MASTERS FOR CIVIL ACTIONS CONCERN-*
2 *ING PRISON CONDITIONS.*—”; and

3 (2) *in paragraph (4)—*

4 (A) *by inserting “(A)” after “(4)”;*

5 (B) *in subparagraph (A), as so designated,*
6 *by adding at the end the following: “In no event*
7 *shall a court require a party to a civil action*
8 *under this subsection to pay the compensation,*
9 *expenses, or costs of a special master. Notwith-*
10 *standing any other provision of law (including*
11 *section 306 of the Act entitled ‘An Act making*
12 *appropriations for the Departments of Com-*
13 *merce, Justice, and State, the Judiciary, and re-*
14 *lated agencies for the fiscal year ending Septem-*
15 *ber 30, 1997,’ contained in section 101(a) of title*
16 *I of division A of the Act entitled ‘An Act mak-*
17 *ing omnibus consolidated appropriations for the*
18 *fiscal year ending September 30, 1997’ (110*
19 *Stat. 3009–201)) and except as provided in sub-*
20 *paragraph (B), the requirement under the pre-*
21 *ceding sentence shall apply to the compensation*
22 *and payment of expenses or costs of a special*
23 *master for any action that is commenced, before,*
24 *on, or after the date of enactment of the Prison*
25 *Litigation Reform Act of 1995.’”; and*

1 (C) by adding at the end the following:

2 “(B) The payment requirements under subparagraph
 3 (A) shall not apply to the payment to a special master who
 4 was appointed before the date of enactment of the Prison
 5 Litigation Reform Act of 1995 (110 Stat. 1321–165 et seq.)
 6 of compensation, expenses, or costs relating to activities of
 7 the special master under this subsection that were carried
 8 out during the period beginning on the date of enactment
 9 of the Prison Litigation Reform Act of 1995 and ending
 10 on the date of enactment of this subparagraph.”.

11 SEC. 133. CRIMINAL BACKGROUND CHECKS FOR AP-
 12 PPLICANTS FOR EMPLOYMENT IN NURSING FACILITIES AND
 13 HOME HEALTH CARE AGENCIES. (a) AUTHORITY TO CON-
 14 DUCT BACKGROUND CHECKS.—

15 (1) IN GENERAL.—A nursing facility or home
 16 health care agency may submit a request to the Attor-
 17 ney General to conduct a search and exchange of
 18 records described in subsection (b) regarding an ap-
 19 plicant for employment if the employment position is
 20 involved in direct patient care.

21 (2) SUBMISSION OF REQUESTS.—A nursing fa-
 22 cility or home health care agency requesting a search
 23 and exchange of records under this section shall sub-
 24 mit to the Attorney General a copy of an employment
 25 applicant’s fingerprints, a statement signed by the

1 *applicant authorizing the nursing facility or home*
2 *health care agency to request the search and exchange*
3 *of records, and any other identification information*
4 *not more than 7 days (excluding Saturdays, Sundays,*
5 *and legal public holidays under section 6103(a) of*
6 *title 5, United States Code) after acquiring the finger-*
7 *prints, signed statement, and information.*

8 *(b) SEARCH AND EXCHANGE OF RECORDS.—Pursuant*
9 *to any submission that complies with the requirements of*
10 *subsection (a), the Attorney General shall search the records*
11 *of the Criminal Justice Information Services Division of*
12 *the Federal Bureau of Investigation for any criminal his-*
13 *tory records corresponding to the fingerprints or other iden-*
14 *tification information submitted. The Attorney General*
15 *shall provide any corresponding information resulting from*
16 *the search to the appropriate State or local governmental*
17 *agency authorized to receive such information.*

18 *(c) USE OF INFORMATION.—Information regarding an*
19 *applicant for employment in a nursing facility or home*
20 *health care agency obtained pursuant to this section may*
21 *be used only by the facility or agency requesting the infor-*
22 *mation and only for the purpose of determining the suit-*
23 *ability of the applicant for employment by the facility or*
24 *agency in a position involved in direct patient care.*

1 (d) *FEEES.*—*The Attorney General may charge a rea-*
2 *sonable fee, not to exceed \$50 per request, to any nursing*
3 *facility or home health care agency requesting a search and*
4 *exchange of records pursuant to this section to cover the*
5 *cost of conducting the search and providing the records.*

6 (e) *REPORT.*—*Not later than 2 years after the date of*
7 *enactment of this Act, the Attorney General shall submit*
8 *a report to Congress on the number of requests for searches*
9 *and exchanges of records made under this section by nurs-*
10 *ing facilities and home health care agencies and the disposi-*
11 *tion of such requests.*

12 (f) *CRIMINAL PENALTY.*—*Whoever knowingly uses any*
13 *information obtained pursuant to this section for a purpose*
14 *other than as authorized under subsection (c) shall be fined*
15 *in accordance with title 18, United States Code, imprisoned*
16 *for not more than 2 years, or both.*

17 (g) *IMMUNITY FROM LIABILITY.*—*A nursing facility or*
18 *home health care agency that, in denying employment for*
19 *an applicant, reasonably relies upon information provided*
20 *by the Attorney General pursuant to this section shall not*
21 *be liable in any action brought by the applicant based on*
22 *the employment determination resulting from the incom-*
23 *pleteness or inaccuracy of the information.*

24 (h) *REGULATIONS.*—*The Attorney General may pro-*
25 *mulgate such regulations as are necessary to carry out this*

1 *section, including regulations regarding the security, con-*
2 *fidentiality, accuracy, use, destruction, and dissemination*
3 *of information, audits and recordkeeping, the imposition of*
4 *fees necessary for the recovery of costs, and any necessary*
5 *modifications to the definitions contained in subsection (i).*

6 (i) *DEFINITIONS.—In this section:*

7 (1) *HOME HEALTH CARE AGENCY.—The term*
8 *“home health care agency” means an agency that pro-*
9 *vides home health care or personal care services on a*
10 *visiting basis in a place of residence.*

11 (2) *NURSING FACILITY.—The term “nursing fa-*
12 *cility” means a facility or institution (or a distinct*
13 *part of an institution) that is primarily engaged in*
14 *providing to residents of the facility or institution*
15 *nursing care, including skilled nursing care, and re-*
16 *lated services for individuals who require medical or*
17 *nursing care.*

18 (j) *APPLICABILITY.—This section shall apply without*
19 *fiscal year limitation.*

20 *SEC. 134. None of the funds made available to the De-*
21 *partment of Justice under this Act may be used for any*
22 *expense relating to, or as reimbursement for any expense*
23 *incurred in connection with, any foreign travel by an offi-*
24 *cer or employee of the Antitrust Division of the Department*
25 *of Justice, if that foreign travel is for the purpose, in whole*

1 or in part, of soliciting or otherwise encouraging any anti-
 2 trust action by a foreign country against a United States
 3 company that is a defendant in any antitrust action pend-
 4 ing in the United States in which the United States is a
 5 plaintiff: Provided, however, that this section shall not—
 6 (1) limit the ability of the Department to investigate poten-
 7 tial violations of United States antitrust laws; or (2) pro-
 8 hibit assistance authorized pursuant to sections 6201–6212
 9 of title 15, United States Code, or pursuant to a ratified
 10 treaty between the United States and a foreign government,
 11 or other international agreement to which the United States
 12 is a party.

13 *SEC. 135. EXCEPTION TO GROUNDS OF REMOVAL. Sec-*
 14 *tion 237 of the Immigration and Nationality Act (8 U.S.C.*
 15 *1227) is amended by adding at the end the following new*
 16 *subsection:*

17 “(d) This section shall not apply to any alien who was
 18 issued a visa or otherwise acquired the status of an alien
 19 lawfully admitted to the United States for permanent resi-
 20 dence under section 201(b)(2)(A)(i) as an orphan described
 21 in section 101(b)(1)(F), unless that alien has knowingly de-
 22 clined United States citizenship.”.

23 *SEC. 136. PROTECTION OF PERSONAL AND FINANCIAL*
 24 *INFORMATION OF CORRECTIONS OFFICERS. Notwithstand-*
 25 *ing any other provision of law, in any action brought by*

1 a prisoner under section 1979 of the Revised Statutes (42
 2 U.S.C. 1983) against a Federal, State, or local jail, prison,
 3 or correctional facility, or any employee or former employee
 4 thereof, arising out of the incarceration of that prisoner—

5 (1) the financial records of a person employed or
 6 formerly employed by the Federal, State, or local jail,
 7 prison, or correctional facility, shall not be subject to
 8 disclosure without the written consent of that person
 9 or pursuant to a court order, unless a verdict of li-
 10 ability has been entered against that person; and

11 (2) the home address, home phone number, social
 12 security number, identity of family members, per-
 13 sonal tax returns, and personal banking information
 14 of a person described in paragraph (1), and any other
 15 records or information of a similar nature relating to
 16 that person, shall not be subject to disclosure without
 17 the written consent of that person, or pursuant to a
 18 court order.

19 *SEC. 137. EXTENSION OF TEMPORARY PROTECTED*
 20 *STATUS FOR CERTAIN NATIONALS OF LIBERIA. (a) CON-*
 21 *TINUATION OF STATUS.—Notwithstanding any other provi-*
 22 *sion of law, any alien described in subsection (b) who, as*
 23 *of the date of enactment of this Act, is registered for tem-*
 24 *porary protected status in the United States under section*
 25 *244(c)(1)(A)(iv) of the Immigration and Nationality Act*

1 (8 U.S.C. 1254a(c)(1)(A)(iv)), or any predecessor law,
 2 order, or regulation, shall be entitled to maintain that sta-
 3 tus through September 30, 1999.

4 (b) *COVERED ALIENS*.—An alien referred to in sub-
 5 section (a) is a national of Liberia or an alien who has
 6 no nationality and who last habitually resided in Liberia.

7 *SEC. 138. ADJUSTMENT OF STATUS OF CERTAIN*
 8 *ASYLEES IN GUAM. (a) ADJUSTMENT OF STATUS.*—

9 (1) *EXEMPTION FROM NUMERICAL LIMITA-*
 10 *TIONS.*—The numerical limitation set forth in section
 11 209(b) of the Immigration and Nationality Act (8
 12 U.S.C. 1159(b)) shall not apply to any alien de-
 13 scribed in subsection (b).

14 (2) *LIMITATION ON FEES.*—

15 (A) *IN GENERAL.*—Any alien described in
 16 subsection (b) who applies for adjustment of sta-
 17 tus to that of an alien lawfully admitted for per-
 18 manent residence under section 209(b) of that
 19 Act shall not be required to pay any fee for em-
 20 ployment authorization or for adjustment of sta-
 21 tus in excess of the fee imposed on a refugee ad-
 22 mitted under section 207(a) of that Act for em-
 23 ployment authorization or adjustment of status.

24 (B) *EFFECTIVE DATE.*—This paragraph
 25 shall apply to applications for employment au-

1 *thorization or adjustment of status filed before,*
2 *on, or after the date of enactment of this Act.*

3 (b) *COVERED ALIENS.*—*An alien described in sub-*
4 *section (a) is an alien who was a United States Government*
5 *employee, employee of a nongovernmental organization*
6 *based in the United States, or other Iraqi national who was*
7 *moved to Guam by the United States Government in 1996*
8 *or 1997 pursuant to an arrangement made by the United*
9 *States Government, and who was granted asylum in the*
10 *United States under section 208(a) of the Immigration and*
11 *Nationality Act (8 U.S.C. 1158(a)).*

12 *SEC. 139. For fiscal year 1999 and thereafter, for any*
13 *report which is required or authorized by this Act to be*
14 *submitted or delivered to the Committee on Appropriations*
15 *of the Senate or of the House of Representatives by the De-*
16 *partment of Justice or any component, agency, or bureau*
17 *thereof, or which concerns matters within the jurisdiction*
18 *of the Committee on the Judiciary of the Senate or of the*
19 *House of Representatives, a copy of such report shall be sub-*
20 *mitted to the Committees on the Judiciary of the Senate*
21 *and of the House of Representatives concurrently as the re-*
22 *port is submitted to the Committee on Appropriations of*
23 *the Senate or of the House of Representatives.*

1 *SEC. 140. (a) IN GENERAL.—Part T of title I of the*
2 *Omnibus Crime Control and Safe Streets Act of 1968 is*
3 *amended—*

4 *(1) in section 2001 (42 U.S.C. 3796gg)—*

5 *(A) in subsection (a)—*

6 *(i) by inserting “, including older*
7 *women” after “combat violent crimes*
8 *against women”; and*

9 *(ii) by inserting “, including older*
10 *women” before the period; and*

11 *(B) in subsection (b)—*

12 *(i) in the matter before subparagraph*
13 *(A), by inserting “, including older women”*
14 *after “against women”;*

15 *(ii) in paragraph (6), by striking*
16 *“and” after the semicolon;*

17 *(iii) in paragraph (7), by striking the*
18 *period and inserting “; and”; and*

19 *(iv) by adding at the end the following:*

20 *“(8) developing, through the oversight of the*
21 *State administrator, a curriculum to train and assist*
22 *law enforcement officers, prosecutors, and relevant of-*
23 *ficers of Federal, State, tribal, and local courts in rec-*
24 *ognizing, addressing, investigating, and prosecuting*
25 *instances involving elder domestic abuse, including*

1 *domestic violence and sexual assault against older in-*
2 *dividuals.”;*

3 *(2) in section 2002(c)(2) (42 U.S.C. 3796gg-1),*
4 *by inserting “and elder domestic abuse experts” after*
5 *“victim services programs”; and*

6 *(3) in section 2003 (42 U.S.C. 3796gg-2)—*

7 *(A) in paragraph (7), by striking “and”*
8 *after the semicolon;*

9 *(B) in paragraph (8), by striking the period*
10 *and inserting “; and”; and*

11 *(C) by adding at the end the following:*

12 *“(9) the term ‘elder’ has the same meaning as the*
13 *term ‘older individual’ in section 102 of the Older*
14 *Americans Act of 1965 (42 U.S.C. 3002); and*

15 *“(10) the term ‘domestic abuse’ means an act or*
16 *threat of violence, not including an act of self-defense,*
17 *committed by—*

18 *“(A) a current or former spouse of the vic-*
19 *tim;*

20 *“(B) a person related by blood or marriage*
21 *to the victim;*

22 *“(C) a person who is cohabitating with or*
23 *has cohabitated with the victim;*

24 *“(D) a person with whom the victim shares*
25 *a child in common;*

1 “(E) a person who is or has been in the so-
 2 cial relationship of a romantic or intimate na-
 3 ture with the victim; and

4 “(F) a person similarly situated to a spouse
 5 of the victim, or by any other person;
 6 if the domestic or family violence laws of the jurisdic-
 7 tion of the victim provide for legal protection of the
 8 victim from the person.”.

9 (b) *EFFECTIVE DATE.*—The amendments made by this
 10 section shall apply to grants beginning with fiscal year
 11 1999.

12 SEC. 141. CHILD EXPLOITATION SENTENCING EN-
 13 HANCEMENT. (a) *DEFINITIONS.*—In this section:

14 (1) *CHILD; CHILDREN.*—The term “child” or
 15 “children” means a minor or minors of an age speci-
 16 fied in the applicable provision of title 18, United
 17 States Code, that is subject to review under this sec-
 18 tion.

19 (2) *MINOR.*—The term “minor” means any indi-
 20 vidual who has not attained the age of 18, except
 21 that, with respect to references to section 2243 of title
 22 18, United States Code, the term means an individual
 23 described in subsection (a) of that section.

24 (b) *INCREASED PENALTIES FOR USE OF A COMPUTER*
 25 *IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.*—

1 *Pursuant to the authority granted to the United States Sen-*
2 *tencing Commission under section 994(p) of title 28, United*
3 *States Code, the United States Sentencing Commission*
4 *shall—*

5 (1) *review the Federal sentencing guidelines on*
6 *aggravated sexual abuse under section 2241 of title*
7 *18, United States Code, sexual abuse under section*
8 *2242 of title 18, United States Code, sexual abuse of*
9 *a minor or ward under section 2243 of title 18,*
10 *United States Code, coercion and enticement of a ju-*
11 *venile under section 2422(b) of title 18, United States*
12 *Code, and transportation of minors under section*
13 *2423 of title 18, United States Code; and*

14 (2) *upon completion of the review under para-*
15 *graph (1), promulgate amendments to the Federal*
16 *sentencing guidelines to provide an appropriate sen-*
17 *tencing enhancement if the defendant used a computer*
18 *with the intent to persuade, induce, entice, or coerce*
19 *a child of an age specified in the applicable provision*
20 *referred to in paragraph (1) to engage in any prohib-*
21 *ited sexual activity.*

22 (c) *INCREASED PENALTIES FOR KNOWING MISREPRE-*
23 *SENTATION IN THE SEXUAL ABUSE OR EXPLOITATION OF*
24 *A CHILD.—Pursuant to the authority granted to the United*
25 *States Sentencing Commission under section 994(p) of title*

1 28, *United States Code, the United States Sentencing Com-*
2 *mission shall—*

3 (1) *review the Federal sentencing guidelines on*
4 *aggravated sexual abuse under section 2241 of title*
5 *18, United States Code, sexual abuse under section*
6 *2242 of title 18, United States Code, sexual abuse of*
7 *a minor or ward under section 2243 of title 18,*
8 *United States Code, coercion and enticement of a ju-*
9 *venile under section 2422(b) of title 18, United States*
10 *Code, and transportation of minors under section*
11 *2423 of title 18, United States Code; and*

12 (2) *upon completion of the review under para-*
13 *graph (1), promulgate amendments to the Federal*
14 *sentencing guidelines to provide an appropriate sen-*
15 *tencing enhancement if the defendant knowingly mis-*
16 *represented the actual identity of the defendant with*
17 *the intent to persuade, induce, entice, or coerce a*
18 *child of an age specified in the applicable provision*
19 *referred to in paragraph (1) to engage in a prohibited*
20 *sexual activity.*

21 (d) *INCREASED PENALTIES FOR PATTERN OF ACTIV-*
22 *ITY OF SEXUAL EXPLOITATION OF CHILDREN.—Pursuant*
23 *to the authority granted to the United States Sentencing*
24 *Commission under section 994(p) of title 28, United States*
25 *Code, the United States Sentencing Commission shall—*

1 (1) *review the Federal sentencing guidelines on*
 2 *criminal sexual abuse, the production of sexually ex-*
 3 *PLICIT material, the possession of materials depicting*
 4 *a child engaging in sexually explicit conduct, coercion*
 5 *and enticement of minors, and the transportation of*
 6 *minors; and*

7 (2) *upon completion of the review under para-*
 8 *graph (1), promulgate amendments to the Federal*
 9 *sentencing guidelines to provide an appropriate sen-*
 10 *tencing enhancement applicable to the offenses re-*
 11 *ferred to in paragraph (1) in any case in which the*
 12 *defendant engaged in a pattern of activity involving*
 13 *the sexual abuse or exploitation of a minor.*

14 (e) *REPEAT OFFENDERS; INCREASED MAXIMUM PEN-*
 15 *ALTIES FOR TRANSPORTATION FOR ILLEGAL SEXUAL AC-*
 16 *TIVITY AND RELATED CRIMES.—*

17 (1) *REPEAT OFFENDERS.—*

18 (A) *CHAPTER 117.—*

19 (i) *IN GENERAL.—Chapter 117 of title*
 20 *18, United States Code, is amended by add-*
 21 *ing at the end the following:*

22 **“§ 2425. Repeat offenders**

23 “(a) *IN GENERAL.—Any person described in this sub-*
 24 *section shall be subject to the punishment under subsection*
 25 *(b). A person described in this subsection is a person who*

1 *violates a provision of this chapter, after one or more prior*
 2 *convictions—*

3 “(1) *for an offense punishable under this chap-*
 4 *ter, or chapter 109A or 110; or*

5 “(2) *under any applicable law of a State relat-*
 6 *ing to conduct punishable under this chapter, or*
 7 *chapter 109A or 110.*

8 “(b) *PUNISHMENT.—A violation of a provision of this*
 9 *chapter by a person described in subsection (a) is punish-*
 10 *able by a term of imprisonment of a period not to exceed*
 11 *twice the period that would otherwise apply under this*
 12 *chapter.”.*

13 (ii) *CONFORMING AMENDMENT.—The*
 14 *analysis for chapter 117 of title 18, United*
 15 *States Code, is amended by adding at the*
 16 *end the following:*

“2425. Repeat offenders.”.

17 (B) *CHAPTER 109A.—Section 2247 of title*
 18 *18, United States Code, is amended to read as*
 19 *follows:*

20 **“§2247. Repeat offenders**

21 “(a) *IN GENERAL.—Any person described in this sub-*
 22 *section shall be subject to the punishment under subsection*
 23 *(b). A person described in this subsection is a person who*
 24 *violates a provision of this chapter, after one or more prior*
 25 *convictions—*

1 “(1) for an offense punishable under this chap-
2 ter, or chapter 110 or 117; or

3 “(2) under any applicable law of a State relat-
4 ing to conduct punishable under this chapter, or
5 chapter 110 or 117.

6 “(b) *PUNISHMENT*.—A violation of a provision of this
7 chapter by a person described in subsection (a) is punish-
8 able by a term of imprisonment of a period not to exceed
9 twice the period that would otherwise apply under this
10 chapter.”.

11 (2) *INCREASED MAXIMUM PENALTIES FOR*
12 *TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND*
13 *RELATED CRIMES*.—

14 (A) *TRANSPORTATION GENERALLY*.—Section
15 2421 of title 18, United States Code, is amended
16 by striking “five” and inserting “10”.

17 (B) *COERCION AND ENTICEMENT OF MI-*
18 *NORS*.—Section 2422 of title 18, United States
19 Code, is amended—

20 (i) in subsection (a), by striking “five”
21 and inserting “10”; and

22 (ii) in subsection (b), by striking “10”
23 and inserting “15”.

1 (C) *TRANSPORTATION OF MINORS.*—Section
 2 2423 of title 18, United States Code, is amend-
 3 ed—

4 (i) in subsection (a), by striking “ten”
 5 and inserting “15”; and

6 (ii) in subsection (b), by striking “10”
 7 and inserting “15”.

8 (3) *AMENDMENT OF SENTENCING GUIDELINES.*—
 9 Pursuant to the authority granted to the United
 10 States Sentencing Commission under section 994(p)
 11 of title 28, United States Code, the United States Sen-
 12 tencing Commission shall—

13 (A) review the Federal sentencing guidelines
 14 relating to chapter 117 of title 18, United States
 15 Code; and

16 (B) upon completion of the review under
 17 subparagraph (A), promulgate such amendments
 18 to the Federal sentencing guidelines as are nec-
 19 essary to provide for the amendments made by
 20 this subsection.

21 (f) *CLARIFICATION OF DEFINITION OF DISTRIBUTION*
 22 *OF PORNOGRAPHY.*—Pursuant to the authority granted to
 23 the United States Sentencing Commission under section
 24 994(p) of title 28, United States Code, the United States
 25 Sentencing Commission shall—

1 (1) *review the Federal sentencing guidelines re-*
 2 *lating to the distribution of pornography covered*
 3 *under chapter 110 of title 18, United States Code, re-*
 4 *lating to the sexual exploitation and other abuse of*
 5 *children; and*

6 (2) *upon completion of the review under para-*
 7 *graph (1), promulgate such amendments to the Fed-*
 8 *eral sentencing guidelines as are necessary to clarify*
 9 *that the term “distribution of pornography” applies*
 10 *to the distribution of pornography—*

11 *(A) for monetary remuneration; or*

12 *(B) for a nonpecuniary interest.*

13 (g) *DIRECTIVE TO THE UNITED STATES SENTENCING*
 14 *COMMISSION.—In carrying out this section, the United*
 15 *States Sentencing Commission shall—*

16 (1) *with respect to any action relating to the*
 17 *Federal sentencing guidelines subject to this section,*
 18 *ensure reasonable consistency with other guidelines of*
 19 *the Federal sentencing guidelines; and*

20 (2) *with respect to an offense subject to the Fed-*
 21 *eral sentencing guidelines, avoid duplicative punish-*
 22 *ment under the guidelines for substantially the same*
 23 *offense.*

24 (h) *AUTHORIZATION FOR GUARDIANS AD LITEM.—*

1 (1) *AUTHORIZATION OF APPROPRIATIONS.—*

2 *There are authorized to be appropriated to the De-*
3 *partment of Justice, for the purpose specified in para-*
4 *graph (2), such sums as may be necessary for each of*
5 *fiscal years 1998 through 2001.*

6 (2) *PURPOSE.—The purpose specified in this*
7 *paragraph is the procurement, in accordance with*
8 *section 3509(h) of title 18, United States Code, of the*
9 *services of individuals with sufficient professional*
10 *training, experience, and familiarity with the crimi-*
11 *nal justice system, social service programs, and child*
12 *abuse issues to serve as guardians ad litem for chil-*
13 *dren who are the victims of, or witnesses to, a crime*
14 *involving abuse or exploitation.*

15 (i) *APPLICABILITY.—This section and the amendments*
16 *made by this section shall apply to any action that com-*
17 *mences on or after the date of enactment of this Act.*

18 *This title may be cited as the “Department of Justice*
19 *Appropriations Act, 1999”.*

1 *TITLE II—DEPARTMENT OF COMMERCE AND*
2 *RELATED AGENCIES*

3 *TRADE AND INFRASTRUCTURE DEVELOPMENT*
4 *RELATED AGENCIES*

5 *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*
6 *SALARIES AND EXPENSES*

7 *For necessary expenses of the Office of the United*
8 *States Trade Representative, including the hire of passenger*
9 *motor vehicles and the employment of experts and consult-*
10 *ants as authorized by 5 U.S.C. 3109, \$24,836,000, of which*
11 *\$2,500,000 shall remain available until expended: Provided,*
12 *That not to exceed \$98,000 shall be available for official*
13 *reception and representation expenses.*

14 *INTERNATIONAL TRADE COMMISSION*
15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the International Trade*
17 *Commission, including hire of passenger motor vehicles,*
18 *and services as authorized by 5 U.S.C. 3109, and not to*
19 *exceed \$2,500 for official reception and representation ex-*
20 *penses, \$45,500,000 to remain available until expended.*

21 *DEPARTMENT OF COMMERCE*
22 *INTERNATIONAL TRADE ADMINISTRATION*
23 *OPERATIONS AND ADMINISTRATION*

24 *For necessary expenses for international trade activi-*
25 *ties of the Department of Commerce provided for by law,*

1 *and engaging in trade promotional activities abroad, in-*
2 *cluding expenses of grants and cooperative agreements for*
3 *the purpose of promoting exports of United States firms,*
4 *without regard to 44 U.S.C. 3702 and 3703; full medical*
5 *coverage for dependent members of immediate families of*
6 *employees stationed overseas and employees temporarily*
7 *posted overseas; travel and transportation of employees of*
8 *the United States and Foreign Commercial Service between*
9 *two points abroad, without regard to 49 U.S.C. 1517; em-*
10 *ployment of Americans and aliens by contract for services;*
11 *rental of space abroad for periods not exceeding ten years,*
12 *and expenses of alteration, repair, or improvement; pur-*
13 *chase or construction of temporary demountable exhibition*
14 *structures for use abroad; payment of tort claims, in the*
15 *manner authorized in the first paragraph of 28 U.S.C. 2672*
16 *when such claims arise in foreign countries; not to exceed*
17 *\$327,000 for official representation expenses abroad; pur-*
18 *chase of passenger motor vehicles for official use abroad, not*
19 *to exceed \$30,000 per vehicle; obtain insurance on official*
20 *motor vehicles; and rent tie lines and teletype equipment;*
21 *\$310,167,000, to remain available until expended: Pro-*
22 *vided, That of the \$318,167,000 provided for in direct obli-*
23 *gations (of which \$304,167,000 is appropriated from the*
24 *General Fund, and \$8,000,000 is derived from unobligated*
25 *balances and deobligations from prior years and \$6,000,000*

1 *is from fees), \$69,826,000 shall be for Trade Development,*
 2 *\$20,379,000 shall be for Market Access and Compliance,*
 3 *\$31,047,000 shall be for the Import Administration,*
 4 *\$177,000,000 shall be for the United States and Foreign*
 5 *Commercial Service, and \$11,915,000 shall be for Executive*
 6 *Direction and Administration: Provided further, That the*
 7 *provisions of the first sentence of section 105(f) and all of*
 8 *section 108(c) of the Mutual Educational and Cultural Ex-*
 9 *change Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall*
 10 *apply in carrying out these activities without regard to sec-*
 11 *tion 5412 of the Omnibus Trade and Competitiveness Act*
 12 *of 1988 (15 U.S.C. 4912); and that for the purpose of this*
 13 *Act, contributions under the provisions of the Mutual Edu-*
 14 *cational and Cultural Exchange Act shall include payment*
 15 *for assessments for services provided as part of these activi-*
 16 *ties.*

17 *EXPORT ADMINISTRATION*

18 *OPERATIONS AND ADMINISTRATION*

19 *For necessary expenses for export administration and*
 20 *national security activities of the Department of Commerce,*
 21 *including costs associated with the performance of export*
 22 *administration field activities both domestically and*
 23 *abroad; full medical coverage for dependent members of im-*
 24 *mediate families of employees stationed overseas; employ-*
 25 *ment of Americans and aliens by contract for services*

1 *abroad; rental of space abroad for periods not exceeding ten*
2 *years, and expenses of alteration, repair, or improvement;*
3 *payment of tort claims, in the manner authorized in the*
4 *first paragraph of 28 U.S.C. 2672 when such claims arise*
5 *in foreign countries; not to exceed \$15,000 for official rep-*
6 *resentation expenses abroad; awards of compensation to in-*
7 *formers under the Export Administration Act of 1979, and*
8 *as authorized by 22 U.S.C. 401(b); purchase of passenger*
9 *motor vehicles for official use and motor vehicles for law*
10 *enforcement use with special requirement vehicles eligible*
11 *for purchase without regard to any price limitation other-*
12 *wise established by law; \$45,671,000 to remain available*
13 *until expended, of which \$1,877,000 shall be for inspections*
14 *and other activities related to national security: Provided,*
15 *That the provisions of the first sentence of section 105(f)*
16 *and all of section 108(c) of the Mutual Educational and*
17 *Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and*
18 *2458(c)) shall apply in carrying out these activities: Pro-*
19 *vided further, That payments and contributions collected*
20 *and accepted for materials or services provided as part of*
21 *such activities may be retained for use in covering the cost*
22 *of such activities, and for providing information to the pub-*
23 *lic with respect to the export administration and national*
24 *security activities of the Department of Commerce and other*

1 *export control programs of the United States and other gov-*
2 *ernments.*

3 *ECONOMIC DEVELOPMENT ADMINISTRATION*

4 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

5 *For grants for economic development assistance as pro-*
6 *vided by the Public Works and Economic Development Act*
7 *of 1965, as amended, Public Law 91–304, and such laws*
8 *that were in effect immediately before September 30, 1982,*
9 *and for trade adjustment assistance, \$280,775,000: Pro-*
10 *vided, That none of the funds appropriated or otherwise*
11 *made available under this heading may be used directly or*
12 *indirectly for attorneys’ or consultants’ fees in connection*
13 *with securing grants and contracts made by the Economic*
14 *Development Administration: Provided further, That, not-*
15 *withstanding any other provision of law, the Secretary of*
16 *Commerce may provide financial assistance for projects to*
17 *be located on military installations closed or scheduled for*
18 *closure or realignment to grantees eligible for assistance*
19 *under the Public Works and Economic Development Act of*
20 *1965, as amended, without it being required that the grant-*
21 *ee have title or ability to obtain a lease for the property,*
22 *for the useful life of the project, when in the opinion of the*
23 *Secretary of Commerce, such financial assistance is nec-*
24 *essary for the economic development of the area: Provided*
25 *further, That the Secretary of Commerce may, as the Sec-*

1 *retary considers appropriate, consult with the Secretary of*
 2 *Defense regarding the title to land on military installations*
 3 *closed or scheduled for closure or realignment.*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of administering the economic*
 6 *development assistance programs as provided for by law,*
 7 *\$22,465,000: Provided, That these funds may be used to*
 8 *monitor projects approved pursuant to title I of the Public*
 9 *Works Employment Act of 1976, as amended, title II of the*
 10 *Trade Act of 1974, as amended, and the Community Emer-*
 11 *gency Drought Relief Act of 1977.*

12 *MINORITY BUSINESS DEVELOPMENT AGENCY*

13 *MINORITY BUSINESS DEVELOPMENT*

14 *For necessary expenses of the Department of Commerce*
 15 *in fostering, promoting, and developing minority business*
 16 *enterprise, including expenses of grants, contracts, and*
 17 *other agreements with public or private organizations,*
 18 *\$25,276,000.*

19 *ECONOMIC AND INFORMATION INFRASTRUCTURE*

20 *ECONOMIC AND STATISTICAL ANALYSIS*

21 *SALARIES AND EXPENSES*

22 *For necessary expenses, as authorized by law, of eco-*
 23 *nomie and statistical analysis programs of the Department*
 24 *of Commerce, \$49,169,000, to remain available until Sep-*
 25 *tember 30, 1999.*

1 *ECONOMICS AND STATISTICS ADMINISTRATION*2 *REVOLVING FUND*

3 *The Secretary of Commerce is authorized to dissemi-*
4 *nate economic and statistical data products as authorized*
5 *by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C.*
6 *1525–1527) and, notwithstanding section 5412 of the Om-*
7 *nibus Trade and Competitiveness Act of 1988 (15 U.S.C.*
8 *4912), charge fees necessary to recover the full costs incurred*
9 *in their production. Notwithstanding 31 U.S.C. 3302, re-*
10 *ceipts received from these data dissemination activities*
11 *shall be credited to this account, to be available for carrying*
12 *out these purposes without further appropriation.*

13 *BUREAU OF THE CENSUS*14 *SALARIES AND EXPENSES*

15 *For expenses necessary for collecting, compiling, ana-*
16 *lyzing, preparing, and publishing statistics, provided for by*
17 *law, \$141,801,000.*

18 *PERIODIC CENSUSES AND PROGRAMS*

19 *For expenses necessary to conduct the decennial census,*
20 *\$848,503,000, to remain available until expended: Pro-*
21 *vided, That the Department of Commerce shall submit a*
22 *quarterly report to the Appropriations Committees of both*
23 *Houses on the status and implementation of key decennial*
24 *census milestones during fiscal year 1999.*

5 *ADMINISTRATION*

7 *For necessary expenses, as provided for by law, of the*
8 *National Telecommunications and Information Adminis-*
9 *tration (NTIA), \$10,940,000, to remain available until ex-*
10 *pended: Provided, That notwithstanding 31 U.S.C. 1535(d),*
11 *the Secretary of Commerce shall charge Federal agencies for*
12 *costs incurred in spectrum management, analysis, and op-*
13 *erations, and related services and such fees shall be retained*
14 *and used as offsetting collections for costs of such spectrum*
15 *services, to remain available until expended: Provided fur-*
16 *ther, That hereafter, notwithstanding any other provision*
17 *of law, NTIA shall not authorize spectrum use or provide*
18 *any spectrum functions pursuant to the NTIA Organization*
19 *Act, 47 U.S.C. §§ 902–903, to any Federal entity without*
20 *reimbursement as required by NTIA for such spectrum*
21 *management costs, and Federal entities withholding pay-*
22 *ment of such cost shall not use spectrum: Provided further,*
23 *That the Secretary of Commerce is authorized to retain and*
24 *use as offsetting collections all funds transferred, or pre-*
25 *viously transferred, from other Government agencies for all*

1 *costs incurred in telecommunications research, engineering,*
 2 *and related activities by the Institute for Telecommuni-*
 3 *cation Sciences of the NTIA, in furtherance of its assigned*
 4 *functions under this paragraph, and such funds received*
 5 *from other Government agencies shall remain available*
 6 *until expended.*

7 *PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND*
 8 *CONSTRUCTION*

9 *For grants authorized by section 392 of the Commu-*
 10 *nications Act of 1934, as amended, \$20,900,000, to remain*
 11 *available until expended as authorized by section 391 of the*
 12 *Act, as amended: Provided, That not to exceed \$1,500,000*
 13 *shall be available for program administration as authorized*
 14 *by section 391 of the Act: Provided further, That notwith-*
 15 *standing the provisions of section 391 of the Act, the prior*
 16 *year unobligated balances may be made available for grants*
 17 *for projects for which applications have been submitted and*
 18 *approved during any fiscal year.*

19 *INFORMATION INFRASTRUCTURE GRANTS*

20 *For grants authorized by section 392 of the Commu-*
 21 *nications Act of 1934, as amended, \$11,000,000, to remain*
 22 *available until expended as authorized by section 391 of the*
 23 *Act, as amended: Provided, That not to exceed \$3,000,000*
 24 *shall be available for program administration and other*
 25 *support activities as authorized by section 391: Provided*
 26 *further, That none of the funds appropriated under this*

1 heading shall be used to make a grant to an applicant that
2 is an entity that is eligible to receive preferential rates or
3 treatment under section 254(h) of the Communications Act
4 of 1934 (47 U.S.C. 254(h)) or assistance under the regional
5 information sharing systems grant program of the Depart-
6 ment of Justice under part M of title I of the Omnibus
7 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
8 3796h).

9 PATENT AND TRADEMARK OFFICE

10 SALARIES AND EXPENSES

11 For necessary expenses of the Patent and Trademark
12 Office provided for by law, including defense of suits insti-
13 tuted against the Commissioner of Patents and Trade-
14 marks, \$785,526,000, to remain available until expended:
15 Provided, That of this amount, \$785,526,000 shall be de-
16 rived from offsetting collections assessed and collected pur-
17 suant to 15 U.S.C. 113 and 35 U.S.C. 41 and 376 and
18 shall be retained and used for necessary expenses in this
19 appropriation: Provided further, That the sum herein ap-
20 propriated from the General Fund shall be reduced as such
21 offsetting collections are received during fiscal year 1999,
22 so as to result in a final fiscal year 1999 appropriation
23 from the General Fund estimated at \$0: Provided further,
24 That beginning on October 1, 1998, the Commissioner of
25 Patents and Trademarks shall establish a surcharge on all

1 *fees charged under 35 U.S.C. 41(a) and (b) in order to en-*
2 *sure that \$132,000,000 is collected: Provided further, That*
3 *surcharges established under this authority may take effect*
4 *on October 1, 1998, and that Section 553 of title 5, United*
5 *States Code, shall not apply to the establishment of such*
6 *surcharges: Provided further, That upon enactment of a*
7 *statute reauthorizing the Patent and Trademark Office or*
8 *establishing a successor agency or agencies, and upon the*
9 *subsequent establishment of a new patent fee schedule, the*
10 *surcharge established in this Act shall expire: Provided fur-*
11 *ther, That during fiscal year 1999, should the total amount*
12 *of offsetting collections be less than \$785,526,000, the total*
13 *amounts available to the Patent and Trademark Office shall*
14 *be reduced accordingly: Provided further, That the standard*
15 *build-out costs of the Patent and Trademark Office shall*
16 *not exceed \$36.69 per occupiable square foot for office-type*
17 *space (which constitutes the amount specified in the Ad-*
18 *vanced Acquisition program of the General Services Admin-*
19 *istration) and shall not exceed an aggregate amount equal*
20 *to \$88,000,000: Provided further, That the moving costs of*
21 *the Patent and Trademark Office (which shall include the*
22 *costs of moving, furniture, telephone, and data installation)*
23 *shall not exceed \$135,000,000: Provided further, That the*
24 *portion of the moving costs referred to in the preceding pro-*

1 *viso that may be used for alterations that are above stand-*
 2 *ard costs may not exceed \$29,000,000.*

3 *SCIENCE AND TECHNOLOGY*

4 *TECHNOLOGY ADMINISTRATION*

5 *UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF*

6 *TECHNOLOGY POLICY*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses for the Under Secretary for*
 9 *Technology/Office of Technology Policy, \$9,993,000, of*
 10 *which not to exceed \$1,600,000 shall remain available until*
 11 *September 30, 2000.*

12 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*

13 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

14 *For necessary expenses of the National Institute of*
 15 *Standards and Technology, \$290,636,000, to remain avail-*
 16 *able until expended, of which not to exceed \$5,000,000 shall*
 17 *be used to fund a cooperative agreement with Montana*
 18 *State University for a research program on green buildings;*
 19 *and of which not to exceed \$1,625,000 may be transferred*
 20 *to the “Working Capital Fund”: Provided, That \$2,300,000*
 21 *shall be used to expand the Malcolm Baldrige National*
 22 *Quality Award program established under section 17 of the*
 23 *Stevenson-Wydler Technology Innovation Act of 1980 (15*
 24 *U.S.C. 3711a): Provided further, That none of the funds*
 25 *appropriated or otherwise made available by this Act for*
 26 *the “Malcolm Baldrige National Quality Award” may be*

1 *obligated or expended unless such obligation or expenditure*
 2 *is expressly authorized by enactment of a subsequent Act.*

3 *INDUSTRIAL TECHNOLOGY SERVICES*

4 *For necessary expenses of the Manufacturing Exten-*
 5 *sion Partnership of the National Institute of Standards and*
 6 *Technology, \$106,800,000, to remain available until ex-*
 7 *pended, of which not to exceed \$300,000 may be transferred*
 8 *to the “Working Capital Fund”: Provided, That notwith-*
 9 *standing the time limitations imposed by 15 U.S.C. 278k(c)*
 10 *(1) and (5) on the duration of Federal financial assistance*
 11 *that may be awarded by the Secretary of Commerce to Re-*
 12 *gional Centers for the transfer of Manufacturing Technology*
 13 *(“Centers”), such Federal financial assistance for a Center*
 14 *may continue beyond six years and may be renewed for*
 15 *additional periods, not to exceed one year, at a rate not*
 16 *to exceed one-third of the Center’s total annual costs, subject*
 17 *before any such renewal to a positive evaluation of the Cen-*
 18 *ter and to a finding by the Secretary of Commerce that*
 19 *continuation of Federal funding to the Center is in the best*
 20 *interest of the Regional Centers for the transfer of Manufac-*
 21 *turing Technology Program: Provided further, That the*
 22 *Center’s most recent performance evaluation is positive, and*
 23 *the Center has submitted a reapplication which has success-*
 24 *fully passed merit review.*

25 *In addition, for necessary expenses of the Advanced*
 26 *Technology Program of the National Institute of Standards*

1 *and Technology, \$192,500,000, to remain available until*
 2 *expended, of which not to exceed \$38,700,000 shall be avail-*
 3 *able for the award of new grants, and of which not to exceed*
 4 *\$500,000 may be transferred to the “Working Capital*
 5 *Fund”.*

6 *CONSTRUCTION OF RESEARCH FACILITIES*

7 *For construction of new research facilities, including*
 8 *architectural and engineering design, and for renovation of*
 9 *existing facilities, not otherwise provided for the National*
 10 *Institute of Standards and Technology, as authorized by 15*
 11 *U.S.C. 278c–278e, \$56,714,000, to remain available until*
 12 *expended.*

13 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*

14 *OPERATIONS, RESEARCH, AND FACILITIES*

15 *(INCLUDING TRANSFERS OF FUNDS)*

16 *For necessary expenses of activities authorized by law*
 17 *for the National Oceanic and Atmospheric Administration,*
 18 *including maintenance, operation, and hire of aircraft;*
 19 *grants, contracts, or other payments to nonprofit organiza-*
 20 *tions for the purposes of conducting activities pursuant to*
 21 *cooperative agreements; and relocation of facilities as au-*
 22 *thorized by 33 U.S.C. 883i; \$1,608,914,000, to remain*
 23 *available until expended: Provided, That fees and donations*
 24 *received by the National Ocean Service for the management*
 25 *of the national marine sanctuaries may be retained and*
 26 *used for the salaries and expenses associated with those ac-*

1 *tivities, notwithstanding 31 U.S.C. 3302: Provided further,*
 2 *That in addition, \$63,073,000 shall be derived by transfer*
 3 *from the fund entitled “Promote and Develop Fishery Prod-*
 4 *ucts and Research Pertaining to American Fisheries”: Pro-*
 5 *vided further, That grants to States pursuant to sections*
 6 *306 and 306A of the Coastal Zone Management Act of 1972,*
 7 *as amended, shall not exceed \$2,000,000: Provided further,*
 8 *That unexpended balances in the accounts “Construction”*
 9 *and “Fleet Modernization, Shipbuilding and Conversion”*
 10 *shall be transferred to and merged with this account, to re-*
 11 *main available until expended for the purposes for which*
 12 *the funds were originally appropriated: Provided further,*
 13 *That of the \$10,500,000 available for the estuarine research*
 14 *reserve system, \$2,000,000 shall be made available for the*
 15 *Office of response and restoration and \$1,160,000 shall be*
 16 *made available for Navigation services, mapping and chart-*
 17 *ing: Provided further, That of funds made available for the*
 18 *National Marine Fisheries Service information collection*
 19 *and analyses, \$400,000 shall be made available to continue*
 20 *Atlantic Herring and Mackerel studies: Provided further,*
 21 *That of the \$8,500,000 provided for the interstate fisheries*
 22 *commissions, \$7,000,000 shall be provided to the Atlantic*
 23 *States Marine Fisheries Commission for the Atlantic Coast-*
 24 *al Cooperative Fisheries Management Act, \$750,000 shall*
 25 *be provided for the Atlantic Coastal Cooperative Statistics*

1 *Program, and the remainder shall be provided to each of*
 2 *the three interstate fisheries commissions (including the*
 3 *ASMFC): Provided further, That within the Procurement,*
 4 *Acquisition and Construction account that \$3,000,000 shall*
 5 *be made available for the National Estuarine Research Re-*
 6 *serve construction, and \$5,000,000 shall be made available*
 7 *for Great Bay land acquisition: Provided further, That the*
 8 *Secretary of Commerce shall make funds available to imple-*
 9 *ment the mitigation recommendations identified subsequent*
 10 *to the “1995 Secretary’s Report to Congress on Adequacy*
 11 *of NEXRAD Coverage and Degradation of Weather Serv-*
 12 *ices” for Erie, PA; Williston, ND; Caribou, ME; and Key*
 13 *West, FL, and shall ensure continuation of weather service*
 14 *coverage for these communities until mitigation activities*
 15 *are completed: Provided further, That with respect to Erie,*
 16 *PA and Williston, ND, the Secretary shall integrate local*
 17 *radar data from such weather service offices into the ad-*
 18 *vanced weather interactive processing system (AWIPS).*

19 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*
 20 *(INCLUDING TRANSFERS OF FUNDS)*

21 *For procurement, acquisition and construction of cap-*
 22 *ital assets, including alteration and modification costs, of*
 23 *the National Oceanic and Atmospheric Administration,*
 24 *\$587,922,000, to remain available until expended: Pro-*
 25 *vided, That unexpended balances of amounts previously*
 26 *made available in the “Operations, Research, and Facili-*

1 *ties” account and the “Construction” account for activities*
 2 *funded under this heading may be transferred to and*
 3 *merged with this account, to remain available until ex-*
 4 *pended for the purposes for which the funds were originally*
 5 *appropriated.*

6 *COASTAL ZONE MANAGEMENT FUND*

7 *Of amounts collected pursuant to section 308 of the*
 8 *Coastal Zone Management Act of 1972 (16 U.S.C. 1456a),*
 9 *not to exceed \$4,000,000, for purposes set forth in sections*
 10 *308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.*

11 *FISHERMEN’S CONTINGENCY FUND*

12 *For carrying out the provisions of title IV of Public*
 13 *Law 95–372, not to exceed \$953,000, to be derived from re-*
 14 *ceipts collected pursuant to that Act, to remain available*
 15 *until expended.*

16 *FOREIGN FISHING OBSERVER FUND*

17 *For expenses necessary to carry out the provisions of*
 18 *the Atlantic Tunas Convention Act of 1975, as amended*
 19 *(Public Law 96–339), the Magnuson-Stevens Fishery Con-*
 20 *servation and Management Act of 1976, as amended (Public*
 21 *Law 100–627), and the American Fisheries Promotion Act*
 22 *(Public Law 96–561), to be derived from the fees imposed*
 23 *under the foreign fishery observer program authorized by*
 24 *these Acts, not to exceed \$189,000, to remain available until*
 25 *expended.*

1 *FISHERIES FINANCE PROGRAM ACCOUNT*

2 *For the cost of direct loans, \$388,000, as authorized*
3 *by the Merchant Marine Act of 1936, as amended: Provided,*
4 *That such costs, including the cost of modifying such loans,*
5 *shall be as defined in section 502 of the Congressional Budg-*
6 *et Act of 1974: Provided further, That none of the funds*
7 *made available under this heading may be used for direct*
8 *loans for any new fishing vessel that will increase the har-*
9 *vesting capacity in any United States fishery.*

10 *GENERAL ADMINISTRATION*11 *SALARIES AND EXPENSES*

12 *For expenses necessary for the general administration*
13 *of the Department of Commerce provided for by law, includ-*
14 *ing not to exceed \$3,000 for official entertainment,*
15 *\$31,765,000.*

16 *OFFICE OF INSPECTOR GENERAL*

17 *For necessary expenses of the Office of Inspector Gen-*
18 *eral in carrying out the provisions of the Inspector General*
19 *Act of 1978, as amended (5 U.S.C. App. 1–11 as amended*
20 *by Public Law 100–504), \$20,662,000.*

21 *GENERAL PROVISIONS—DEPARTMENT OF COMMERCE*

22 *SEC. 201. During the current fiscal year, applicable*
23 *appropriations and funds made available to the Depart-*
24 *ment of Commerce by this Act shall be available for the*
25 *activities specified in the Act of October 26, 1949 (15 U.S.C.*
26 *1514), to the extent and in the manner prescribed by the*

1 *Act, and, notwithstanding 31 U.S.C. 3324, may be used for*
2 *advanced payments not otherwise authorized only upon the*
3 *certification of officials designated by the Secretary of Com-*
4 *merce that such payments are in the public interest.*

5 *SEC. 202. During the current fiscal year, appropria-*
6 *tions made available to the Department of Commerce by*
7 *this Act for salaries and expenses shall be available for hire*
8 *of passenger motor vehicles as authorized by 31 U.S.C. 1343*
9 *and 1344; services as authorized by 5 U.S.C. 3109; and uni-*
10 *forms or allowances therefor, as authorized by law (5 U.S.C.*
11 *5901–5902).*

12 *SEC. 203. None of the funds made available by this*
13 *Act may be used to support the hurricane reconnaissance*
14 *aircraft and activities that are under the control of the*
15 *United States Air Force or the United States Air Force Re-*
16 *serve.*

17 *SEC. 204. None of the funds provided in this or any*
18 *previous Act, or hereinafter made available to the Depart-*
19 *ment of Commerce, shall be available to reimburse the Un-*
20 *employment Trust Fund or any other fund or account of*
21 *the Treasury to pay for any expenses paid before October*
22 *1, 1992, as authorized by section 8501 of title 5, United*
23 *States Code, for services performed after April 20, 1990, by*
24 *individuals appointed to temporary positions within the*

1 *Bureau of the Census for purposes relating to the 1990 de-*
2 *cennial census of population.*

3 *SEC. 205. Not to exceed 5 percent of any appropriation*
4 *made available for the current fiscal year for the Depart-*
5 *ment of Commerce in this Act may be transferred between*
6 *such appropriations, but no such appropriation shall be in-*
7 *creased by more than 10 percent by any such transfers: Pro-*
8 *vided, That any transfer pursuant to this section shall be*
9 *treated as a reprogramming of funds under section 605 of*
10 *this Act and shall not be available for obligation or expendi-*
11 *ture except in compliance with the procedures set forth in*
12 *that section.*

13 *SEC. 206. (a) Should legislation be enacted to disman-*
14 *tle or reorganize the Department of Commerce, or any por-*
15 *tion thereof, the Secretary of Commerce, no later than 90*
16 *days thereafter, shall submit to the Committees on Appro-*
17 *priations of the House and the Senate a plan for transfer-*
18 *ring funds provided in this Act to the appropriate successor*
19 *organizations: Provided, That the plan shall include a pro-*
20 *posal for transferring or rescinding funds appropriated*
21 *herein for agencies or programs terminated under such leg-*
22 *islation: Provided further, That such plan shall be trans-*
23 *mitted in accordance with section 605 of this Act.*

24 *(b) The Secretary of Commerce or the appropriate*
25 *head of any successor organization(s) may use any avail-*

1 able funds to carry out legislation dismantling or reor-
2 ganizing the Department of Commerce, or any portion
3 thereof, to cover the costs of actions relating to the abolish-
4 ment, reorganization, or transfer of functions and any re-
5 lated personnel action, including voluntary separation in-
6 centives if authorized by such legislation: Provided, That
7 the authority to transfer funds between appropriations ac-
8 counts that may be necessary to carry out this section is
9 provided in addition to authorities included under section
10 205 of this Act: Provided further, That use of funds to carry
11 out this section shall be treated as a reprogramming of
12 funds under section 605 of this Act and shall not be avail-
13 able for obligation or expenditure except in compliance with
14 the procedures set forth in that section.

15 SEC. 207. Any costs incurred by a Department or
16 agency funded under this title resulting from personnel ac-
17 tions taken in response to funding reductions included in
18 this title or from actions taken for the care and protection
19 of loan collateral or grant property shall be absorbed within
20 the total budgetary resources available to such Department
21 or agency: Provided, That the authority to transfer funds
22 between appropriations accounts as may be necessary to
23 carry out this section is provided in addition to authorities
24 included elsewhere in this Act: Provided further, That use
25 of funds to carry out this section shall be treated as a re-

1 *programming of funds under section 605 of this Act and*
 2 *shall not be available for obligation or expenditure except*
 3 *in compliance with the procedures set forth in that section.*

4 *SEC. 208. Section 401(e)(4)(B) of Public Law 105–83*
 5 *is amended by striking “majority vote, with each member”*
 6 *and inserting in lieu thereof, “the majority vote of the board*
 7 *members under paragraphs (3)(A), (F), and (G), the board*
 8 *member representing academia under paragraph (3)(K),*
 9 *and one of the board members under paragraph (3)(L) (as*
 10 *identified by the Governor), with each such member”.*

11 *SEC. 209. (a) PROHIBITION.—*

12 *(1) IN GENERAL.—Section 223 of the Commu-*
 13 *nications Act of 1934 (47 U.S.C. 223) is amended—*

14 *(A) by redesignating subsections (e), (f), (g),*
 15 *and (h) as subsections (f), (g), (h), and (i), re-*
 16 *spectively; and*

17 *(B) by inserting after subsection (d) the fol-*
 18 *lowing new subsection (e):*

19 *“(e)(1) Whoever in interstate or foreign commerce in*
 20 *or through the World Wide Web is engaged in the business*
 21 *of the commercial distribution of material that is harmful*
 22 *to minors shall restrict access to such material by persons*
 23 *under 17 years of age.*

1 “(2) Any person who violates paragraph (1) shall be
2 fined not more than \$50,000, imprisoned not more than six
3 months, or both.

4 “(3) In addition to the penalties under paragraph (2),
5 whoever intentionally violates paragraph (1) shall be sub-
6 ject to a fine of not more than \$50,000 for each violation.
7 For purposes of this paragraph, each day of violation shall
8 constitute a separate violation.

9 “(4) In addition to the penalties under paragraphs (2)
10 and (3), whoever violates paragraph (1) shall be subject to
11 a civil fine of not more than \$50,000 for each violation.
12 For purposes of this paragraph, each day of violation shall
13 constitute a separate violation.

14 “(5) It is an affirmative defense to prosecution under
15 this subsection that the defendant restricted access to mate-
16 rial that is harmful to minors by persons under 17 years
17 of age by requiring use of a verified credit card, debit ac-
18 count, adult access code, or adult personal identification
19 number or in accordance with such other procedures as the
20 Commission may prescribe.

21 “(6) This subsection may not be construed to authorize
22 the Commission to regulate in any manner the content of
23 any information provided on the World Wide Web.

24 “(7) For purposes of this subsection:

1 “(A) The term ‘material that is harmful to mi-
 2 nors’ means any communication, picture, image,
 3 graphic image file, article, recording, writing, or
 4 other matter of any kind that—

5 “(i) taken as a whole and with respect to
 6 minors, appeals to a prurient interest in nudity,
 7 sex, or excretion;

8 “(ii) depicts, describes, or represents, in a
 9 patently offensive way with respect to what is
 10 suitable for minors, an actual or simulated sex-
 11 ual act or sexual contact, actual or simulated
 12 normal or perverted sexual acts, or a lewd exhi-
 13 bition of the genitals; and

14 “(iii) lacks serious literary, artistic, politi-
 15 cal, or scientific value.

16 “(B) The terms ‘sexual act’ and ‘sexual contact’
 17 have the meanings assigned such terms in section
 18 2246 of title 18, United States Code.”.

19 (2) CONFORMING AMENDMENT.—Subsection (h)
 20 of such section, as so redesignated, is amended by
 21 striking “(e), or (f)” and inserting “(f), or (g)”.

22 (b) AVAILABILITY ON INTERNET OF DEFINITION OF
 23 MATERIAL THAT IS HARMFUL TO MINORS.—The Attorney
 24 General, in the case of the Internet web site of the Depart-
 25 ment of Justice, and the Federal Communications Commis-

1 sion, in the case of the Internet web site of the Commission,
 2 shall each post or otherwise make available on such web
 3 site such information as is necessary to inform the public
 4 of the meaning of the term “material that is harmful to
 5 minors” under section 223(e) of the Communications Act
 6 of 1934, as amended by subsection (a) of this section.

7 *SEC. 210. NO UNIVERSAL SERVICE FOR SCHOOLS OR*
 8 *LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR*
 9 *BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET AC-*
 10 *CESS. (a) IN GENERAL.—Section 254 of the Communica-*
 11 *tions Act of 1934 (47 U.S.C. 254) is amended by adding*
 12 *at the end thereof the following:*

13 *“(l) IMPLEMENTATION OF A FILTERING OR BLOCKING*
 14 *SYSTEM.—*

15 *“(1) IN GENERAL.—No services may be provided*
 16 *under subsection (h)(1)(B) to any elementary or sec-*
 17 *ondary school, or any library, unless it provides the*
 18 *certification required by paragraph (2) or (3), respec-*
 19 *tively.*

20 *“(2) CERTIFICATION FOR SCHOOLS.—Before re-*
 21 *ceiving universal service assistance under subsection*
 22 *(h)(1)(B), an elementary or secondary school (or the*
 23 *school board or other authority with responsibility for*
 24 *administration of that school) shall certify to the*
 25 *Commission that it has—*

1 “(A) selected a system for computers with
2 Internet access to filter or block matter deemed
3 to be inappropriate for minors; and

4 “(B) installed, or will install as soon as it
5 obtains computers with Internet access, a system
6 to filter or block such matter.

7 “(3) CERTIFICATION FOR LIBRARIES.—Before re-
8 ceiving universal service assistance under subsection
9 (h)(1)(B), a library that has a computer with Inter-
10 net access shall certify to the Commission that, on one
11 or more of its computers with Internet access, it em-
12 ploys a system to filter or block matter deemed to be
13 inappropriate for minors. If a library that makes a
14 certification under this paragraph changes the system
15 it employs or ceases to employ any such system, it
16 shall notify the Commission within 10 days after im-
17 plementing the change or ceasing to employ the sys-
18 tem.

19 “(4) LOCAL DETERMINATION OF CONTENT.—For
20 purposes of paragraphs (2) and (3), the determina-
21 tion of what matter is inappropriate for minors shall
22 be made by the school, school board, library or other
23 authority responsible for making the required certifi-
24 cation. No agency or instrumentality of the United
25 States Government may—

1 “(A) establish criteria for making that de-
2 termination;

3 “(B) review the determination made by the
4 certifying school, school board, library, or other
5 authority; or

6 “(C) consider the criteria employed by the
7 certifying school, school board, library, or other
8 authority in the administration of subsection
9 (h)(1)(B).”.

10 (b) *CONFORMING CHANGE*.—Section 254(h)(1)(B) of
11 the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B))
12 is amended by striking “All telecommunications” and in-
13 serting “Except as provided by subsection (l), all tele-
14 communications”.

15 SEC. 211. *MULTICHANNEL VIDEO PROGRAMMING*. Not-
16 withstanding any other provision of law, the Copyright Of-
17 fice is prohibited from implementing, enforcing, collecting
18 or awarding copyright royalty fees, and no obligation or
19 liability for copyright royalty fees shall accrue pursuant to
20 the decision of the Librarian of Congress on October 27,
21 1997, which established a royalty fee of \$0.27 per subscriber
22 per month for the retransmission of distant broadcast sig-
23 nals by satellite carriers, before March 31, 1999. This shall
24 have no effect on the implementing, enforcing, collecting, or

1 *awarding copyright royalty fees pursuant to the royalty fee*
 2 *structure as it existed prior to October 27, 1997.*

3 *SEC. 212. PUBLIC AIRCRAFT. The flush sentence follow-*
 4 *ing subparagraph (B)(ii) of section 40102(37) of title 49,*
 5 *United States Code, is amended by striking “if the unit*
 6 *of government on whose behalf the operation is conducted*
 7 *certifies to the Administrator of the Federal Aviation Ad-*
 8 *ministration that the operation was necessary to respond*
 9 *to a significant and imminent threat to life or property*
 10 *(including natural resources) and that no service by a pri-*
 11 *vate operator was reasonably available to meet the threat”*
 12 *and inserting “if the operation is conducted for law enforce-*
 13 *ment, search and rescue, or responding to an imminent*
 14 *threat to property or natural resources”.*

15 *SEC. 213. COMPENSATION OF ATTORNEYS. (a) CON-*
 16 *TROLLED SUBSTANCES ACT.—Section 408(q)(10) of the*
 17 *Controlled Substances Act (21 U.S.C. 848(q)(10)) is amend-*
 18 *ed—*

19 *(1) by redesignating subparagraphs (B) and (C)*
 20 *as subparagraphs (C) and (D), respectively; and*

21 *(2) by inserting after subparagraph (A) the fol-*
 22 *lowing:*

23 *“(B)(i) Notwithstanding any other provision of law,*
 24 *the amount of compensation paid to each attorney ap-*
 25 *pointed under this subsection shall not exceed, for work per-*

1 *formed by that attorney during any calendar month, an*
 2 *amount determined to be the amount of compensation (ex-*
 3 *cluding health and other employee benefits) that the United*
 4 *States Attorney for the district in which the action is to*
 5 *be prosecuted receives for the calendar month that is the*
 6 *subject to a request for compensation made in accordance*
 7 *with this paragraph.*

8 “(ii) *The court shall grant an attorney compensation*
 9 *for work performed during any calendar month at a rate*
 10 *authorized under subparagraph (A), except that such com-*
 11 *pensation may not be granted for any calendar month in*
 12 *an amount that exceeds the maximum amount specified in*
 13 *clause (i).”.*

14 (b) *ADEQUATE REPRESENTATION OF DEFENDANTS.—*
 15 *Section 3006A(d)(3) of title 18, United States Code, is*
 16 *amended—*

17 (1) *by striking “Payment” and inserting the fol-*
 18 *lowing:*

19 “(A) *IN GENERAL.—Subject to subpara-*
 20 *graph (B), payment”;* and

21 (2) *by adding at the end the following:*

22 “(B) *MAXIMUM PAYMENTS.—The payments*
 23 *approved under this paragraph for work per-*
 24 *formed by an attorney during any calendar*
 25 *month may not exceed a maximum amount de-*

1 *terminated under section 408(q)(10)(B) of the Con-*
2 *trolled Substances Act (21 U.S.C.*
3 *848(q)(10)(B)).”.*

4 *SEC. 214. No funds may be used under this Act to*
5 *process or register any application filed or submitted with*
6 *the Patent and Trademark Office under the Act entitled*
7 *“An Act to provide for the registration and protection of*
8 *trademarks used in commerce, to carry out the provisions*
9 *of certain international conventions, and for other pur-*
10 *poses”, approved July 5, 1946, commonly referred to as the*
11 *Trademark Act of 1946, as amended, after the date of enact-*
12 *ment of this Act for a mark identical to the official tribal*
13 *insignia of any federally recognized Indian tribe for a pe-*
14 *riod of one year from the date of enactment of this Act.*

15 *SEC. 215. (a)(1) Notwithstanding any other provision*
16 *of this Act, the amount appropriated by this title under*
17 *“NATIONAL TELECOMMUNICATIONS AND INFORMATION AD-*
18 *MINISTRATION” under the heading “INFORMATION INFRA-*
19 *STRUCTURE GRANTS” is hereby increased by \$9,000,000.*

20 *(2) The additional amount appropriated by para-*
21 *graph (1) shall remain available until expended.*

22 *(b)(1) Notwithstanding any other provision of this Act,*
23 *the aggregate amount appropriated by this title under “DE-*
24 *PARTMENT OF COMMERCE” is hereby reduced by*
25 *\$9,000,000 with the amount of such reduction achieved by*

1 *reductions of equal amounts from amounts appropriated by*
2 *each heading under “DEPARTMENT OF COMMERCE”*
3 *except the headings referred to in paragraph (2).*

4 *(2) Reductions under paragraph (1) shall not apply*
5 *to the following amounts:*

6 *(A) Amounts appropriated under “NATIONAL*
7 *TELECOMMUNICATIONS AND INFORMATION ADMINIS-*
8 *TRATION” under the heading “PUBLIC TELECOMMUNI-*
9 *CATIONS FACILITIES, PLANNING AND CONSTRUCTION”*
10 *and under the heading “INFORMATION INFRASTRUC-*
11 *TURE GRANTS”.*

12 *(B) Amounts appropriated under any heading*
13 *under “NATIONAL INSTITUTE OF STANDARDS AND*
14 *TECHNOLOGY”.*

15 *(C) Amounts appropriated under any heading*
16 *under “NATIONAL OCEANIC AND ATMOSPHERIC AD-*
17 *MINISTRATION”.*

18 *(c)(1) Notwithstanding any other provision of this Act,*
19 *the second proviso under “NATIONAL TELECOMMUNI-*
20 *CATIONS AND INFORMATION ADMINISTRATION” under the*
21 *heading “INFORMATION INFRASTRUCTURE GRANTS” shall*
22 *have no force or effect.*

23 *(2) Notwithstanding any other provision of law, no en-*
24 *tity that receives telecommunications services at pref-*
25 *erential rates under section 254(h) of the Communications*

1 *Act of 1934 (47 U.S.C. 254(h)) or receives assistance under*
 2 *the regional information sharing systems grant program of*
 3 *the Department of Justice under part M of title I of the*
 4 *Omnibus Crime Control and Safe Streets Act of 1968 (42*
 5 *U.S.C. 3796h) may use funds under a grant under the head-*
 6 *ing referred to in paragraph (1) to cover any costs of the*
 7 *entity that would otherwise be covered by such preferential*
 8 *rates or such assistance, as the case may be.*

9 *Sec. 216. SEDIMENT CONTROL STUDY. Of the amounts*
 10 *made available under this Act to the National Oceanic and*
 11 *Atmospheric Administration for operations, research, and*
 12 *facilities that are used for ocean and Great Lakes programs,*
 13 *\$50,000 shall be used for a study of sediment control at*
 14 *Grand Marais, Michigan.*

15 *SEC. 217. (a) IN GENERAL.—Section 254(a) of the*
 16 *Communications Act of 1934 (47 U.S.C. 254(a)) is amend-*
 17 *ed—*

18 *(1) by striking the second sentence in paragraph*

19 *(1);*

20 *(2) by redesignating paragraph (2) as para-*
 21 *graph (3); and*

22 *(3) by inserting after paragraph (1) the follow-*
 23 *ing:*

24 *“(2) MEMBERSHIP OF JOINT BOARD.—*

1 “(A) *IN GENERAL.*—*The Joint Board re-*
2 *quired by paragraph (1) shall be composed of 9*
3 *members, as follows:*

4 “(i) *3 shall be members of the Federal*
5 *Communications Commission;*

6 “(ii) *1 shall be a State-appointed util-*
7 *ity consumer advocate nominated by a na-*
8 *tional organization of State utility con-*
9 *sumer advocates; and*

10 “(iii) *5 shall be State utility commis-*
11 *sioners nominated by the national organiza-*
12 *tion of State utility commissions, with at*
13 *least 2 such commissioners being commis-*
14 *sioners of commissions of rural States.*

15 “(B) *CO-CHAIRMEN.*—*The Joint Board*
16 *shall have 2 co-chairmen of equal authority, one*
17 *of whom shall be a member of the Federal Com-*
18 *munications Commission, and the other of whom*
19 *shall be one of the 5 members described in sub-*
20 *paragraph (A)(iii). The Federal Communica-*
21 *tions Commission shall adopt rules and proce-*
22 *dures under which the co-chairmen of the Joint*
23 *Board will have equal authority and equal re-*
24 *sponsibility for the Joint Board.*

1 “(C) *RURAL STATE DEFINED.*—*In this*
 2 *paragraph, the term ‘rural State’ means any*
 3 *State in which the 1998 high-cost universal serv-*
 4 *ice support payments to local telephone compa-*
 5 *nies exceeds 90 cents on a per loop per month*
 6 *basis.’.*”

7 (b) *FCC TO ADOPT PROCEDURES PROMPTLY.*—*The*
 8 *Federal Communications Commission shall adopt rules*
 9 *under section 254(a)(2)(B) of the Communications Act of*
 10 *1934 (47 U.S.C. 254(a)(2)(B)), as added by subsection (a)*
 11 *of this section, within 30 days after the date of enactment*
 12 *of this Act.*

13 (c) *RECONSTITUTED JOINT BOARD TO CONSIDER UNI-*
 14 *VERSAL SERVICE.*—*The Federal-State Joint Board estab-*
 15 *lished under section 254(a)(1) of the Communications Act*
 16 *of 1934 (47 U.S.C. 254(a)(1)) shall not take action on the*
 17 *Commission’s Order and Order on Reconsideration adopted*
 18 *July 13, 1998 (CC Docket No. 96–45; FCC 98–160), relat-*
 19 *ing to universal service until—*

20 (1) *the Commission has adopted rules under sec-*
 21 *tion 254(a)(2)(B) of the Communications Act of 1934*
 22 *(47 U.S.C. 254(a)(2)(B)); and*

23 (2) *the co-chairmen of the Joint Board have been*
 24 *chosen under that section.*

1 *SEC. 218. NONPOINT POLLUTION CONTROL. (a) IN*
 2 *GENERAL.—In addition to the amounts made available to*
 3 *the National Oceanic and Atmospheric Administration*
 4 *under this Act, \$3,000,000 shall be made available to the*
 5 *Administration for the nonpoint pollution control program*
 6 *of the Coastal Zone Management program of the Adminis-*
 7 *tration.*

8 *(b) PRO RATA REDUCTIONS.—Notwithstanding any*
 9 *other provision of law, a pro rata reduction shall be made*
 10 *to each program in the Department of Commerce funded*
 11 *under this Act in such manner as to result in an aggregate*
 12 *reduction in the amount of funds provided to those pro-*
 13 *grams of \$3,000,000.*

14 *This title may be cited as the “Department of Com-*
 15 *merce and Related Agencies Appropriations Act, 1999”.*

16 *TITLE III—THE JUDICIARY*

17 *SUPREME COURT OF THE UNITED STATES*

18 *SALARIES AND EXPENSES*

19 *For expenses necessary for the operation of the Su-*
 20 *preme Court, as required by law, excluding care of the*
 21 *building and grounds, including purchase or hire, driving,*
 22 *maintenance, and operation of an automobile for the Chief*
 23 *Justice, not to exceed \$10,000 for the purpose of transport-*
 24 *ing Associate Justices, and hire of passenger motor vehicles*
 25 *as authorized by 31 U.S.C. 1343 and 1344; not to exceed*

1 \$10,000 for official reception and representation expenses;
 2 and for miscellaneous expenses, to be expended as the Chief
 3 Justice may approve; \$31,059,000.

4 CARE OF THE BUILDING AND GROUNDS

5 For such expenditures as may be necessary to enable
 6 the Architect of the Capitol to carry out the duties imposed
 7 upon him by the Act approved May 7, 1934 (40 U.S.C.
 8 13a–13b), \$5,871,000, to remain available until expended.

9 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
 10 CIRCUIT

11 SALARIES AND EXPENSES

12 For salaries of the chief judge, judges, and other officers
 13 and employees, and for necessary expenses of the court, as
 14 authorized by law, \$15,631,000.

15 UNITED STATES COURT OF INTERNATIONAL TRADE

16 SALARIES AND EXPENSES

17 For salaries of the chief judge and eight judges, salaries
 18 of the officers and employees of the court, services as author-
 19 ized by 5 U.S.C. 3109, and necessary expenses of the court,
 20 as authorized by law, \$11,483,000.

21 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

22 JUDICIAL SERVICES

23 SALARIES AND EXPENSES

24 (INCLUDING TRANSFER OF FUNDS)

25 For the salaries of circuit and district judges (includ-
 26 ing judges of the territorial courts of the United States),

1 *justices and judges retired from office or from regular active*
2 *service, judges of the United States Court of Federal Claims,*
3 *bankruptcy judges, magistrate judges, and all other officers*
4 *and employees of the Federal Judiciary not otherwise spe-*
5 *cifically provided for, and necessary expenses of the courts,*
6 *as authorized by law, \$2,808,516,000 (including the pur-*
7 *chase of firearms and ammunition); of which not to exceed*
8 *\$13,454,000 shall remain available until expended for space*
9 *alteration projects; and of which not to exceed \$10,000,000*
10 *shall remain available until expended for furniture and fur-*
11 *nishings related to new space alteration and construction*
12 *projects: Provided, That of the amount made available*
13 *under this heading, \$7,150,000 shall be available only for*
14 *the State Justice Institute.*

15 *In addition, for expenses of the United States Court*
16 *of Federal Claims associated with processing cases under*
17 *the National Childhood Vaccine Injury Act of 1986, not to*
18 *exceed \$2,515,000, to be appropriated from the Vaccine In-*
19 *jury Compensation Trust Fund.*

20 *DEFENDER SERVICES*

21 *For the operation of Federal Public Defender and*
22 *Community Defender organizations; the compensation and*
23 *reimbursement of expenses of attorneys appointed to rep-*
24 *resent persons under the Criminal Justice Act of 1964, as*
25 *amended; the compensation and reimbursement of expenses*
26 *of persons furnishing investigative, expert and other services*

1 *under the Criminal Justice Act (18 U.S.C. 3006A(e)); the*
 2 *compensation (in accordance with Criminal Justice Act*
 3 *maximums) and reimbursement of expenses of attorneys ap-*
 4 *pointed to assist the court in criminal cases where the de-*
 5 *fendant has waived representation by counsel; the com-*
 6 *pensation and reimbursement of travel expenses of guard-*
 7 *ians ad litem acting on behalf of financially eligible minor*
 8 *or incompetent offenders in connection with transfers from*
 9 *the United States to foreign countries with which the*
 10 *United States has a treaty for the execution of penal sen-*
 11 *tences; and the compensation of attorneys appointed to rep-*
 12 *resent jurors in civil actions for the protection of their em-*
 13 *ployment, as authorized by 28 U.S.C. 1875(d);*
 14 *\$360,952,000, to remain available until expended as au-*
 15 *thorized by 18 U.S.C. 3006A(i).*

16 *FEES OF JURORS AND COMMISSIONERS*

17 *For fees and expenses of jurors as authorized by 28*
 18 *U.S.C. 1871 and 1876; compensation of jury commissioners*
 19 *as authorized by 28 U.S.C. 1863; and compensation of com-*
 20 *missioners appointed in condemnation cases pursuant to*
 21 *rule 71A(h) of the Federal Rules of Civil Procedure (28*
 22 *U.S.C. Appendix Rule 71A(h)); \$68,721,000, to remain*
 23 *available until expended: Provided, That the compensation*
 24 *of land commissioners shall not exceed the daily equivalent*
 25 *of the highest rate payable under section 5332 of title 5,*
 26 *United States Code.*

1 *COURT SECURITY*

2 *For necessary expenses, not otherwise provided for, in-*
3 *cident to the procurement, installation, and maintenance*
4 *of security equipment and protective services for the United*
5 *States Courts in courtrooms and adjacent areas, including*
6 *building ingress-egress control, inspection of packages, di-*
7 *rected security patrols, and other similar activities as au-*
8 *thorized by section 1010 of the Judicial Improvement and*
9 *Access to Justice Act (Public Law 100–702); \$176,873,000,*
10 *of which not to exceed \$10,000,000 shall remain available*
11 *until expended for security systems, to be expended directly*
12 *or transferred to the United States Marshals Service which*
13 *shall be responsible for administering elements of the Judi-*
14 *cial Security Program consistent with standards or guide-*
15 *lines agreed to by the Director of the Administrative Office*
16 *of the United States Courts and the Attorney General.*

17 *ADMINISTRATIVE OFFICE OF THE UNITED STATES*18 *COURTS*19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Administrative Office of*
21 *the United States Courts as authorized by law, including*
22 *travel as authorized by 31 U.S.C. 1345, hire of a passenger*
23 *motor vehicle as authorized by 31 U.S.C. 1343(b), advertis-*
24 *ing and rent in the District of Columbia and elsewhere,*

1 \$54,682,000, of which not to exceed \$7,500 is authorized
2 for official reception and representation expenses.

3 *FEDERAL JUDICIAL CENTER*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Federal Judicial Center,*
6 *as authorized by Public Law 90–219, \$17,716,000; of which*
7 *\$1,800,000 shall remain available through September 30,*
8 *2000, to provide education and training to Federal court*
9 *personnel; and of which not to exceed \$1,000 is authorized*
10 *for official reception and representation expenses.*

11 *JUDICIAL RETIREMENT FUNDS*

12 *PAYMENT TO JUDICIARY TRUST FUNDS*

13 *For payment to the Judicial Officers' Retirement*
14 *Fund, as authorized by 28 U.S.C. 377(o), \$27,500,000; to*
15 *the Judicial Survivors' Annuities Fund, as authorized by*
16 *28 U.S.C. 376(c), \$7,800,000; and to the United States*
17 *Court of Federal Claims Judges' Retirement Fund, as au-*
18 *thorized by 28 U.S.C. 178(l), \$2,000,000.*

19 *UNITED STATES SENTENCING COMMISSION*

20 *SALARIES AND EXPENSES*

21 *For the salaries and expenses necessary to carry out*
22 *the provisions of chapter 58 of title 28, United States Code,*
23 *\$9,374,000, of which not to exceed \$1,000 is authorized for*
24 *official reception and representation expenses.*

1 *GENERAL PROVISIONS—THE JUDICIARY*

2 *SEC. 301. Appropriations and authorizations made in*
3 *this title which are available for salaries and expenses shall*
4 *be available for services as authorized by 5 U.S.C. 3109.*

5 *SEC. 302. Not to exceed 10 percent of any appropria-*
6 *tion made available for the current fiscal year for the Judi-*
7 *ciary in this Act may be transferred between such appro-*
8 *priations, but no such appropriation, except “Courts of Ap-*
9 *peals, District Courts, and Other Judicial Services, De-*
10 *fender Services” and “Courts of Appeals, District Courts,*
11 *and Other Judicial Services, Fees of Jurors and Commis-*
12 *sioners”, shall be increased by more than 20 percent by any*
13 *such transfers: Provided, That any transfer pursuant to this*
14 *section shall be treated as a reprogramming of funds under*
15 *section 605 of this Act and shall not be available for obliga-*
16 *tion or expenditure except in compliance with the proce-*
17 *dures set forth in that section.*

18 *SEC. 303. Notwithstanding any other provision of law,*
19 *the salaries and expenses appropriation for district courts,*
20 *courts of appeals, and other judicial services shall be avail-*
21 *able for official reception and representation expenses of the*
22 *Judicial Conference of the United States: Provided, That*
23 *such available funds shall not exceed \$10,000 and shall be*
24 *administered by the Director of the Administrative Office*

1 *of the United States Courts in his capacity as Secretary*
 2 *of the Judicial Conference.*

3 *SEC. 304. Pursuant to section 140 of Public Law 97–*
 4 *92, justices and judges of the United States are authorized*
 5 *during fiscal year 1999, to receive a salary adjustment in*
 6 *accordance with 28 U.S.C. 461: Provided, That \$6,893,000*
 7 *is appropriated for salary adjustments pursuant to this sec-*
 8 *tion and such funds shall be transferred to and merged with*
 9 *appropriations in Title III of this Act.*

10 *This title may be cited as “The Judiciary Appropria-*
 11 *tions Act, 1999”.*

12 *TITLE IV—DEPARTMENT OF STATE AND*
 13 *RELATED AGENCIES*

14 *DEPARTMENT OF STATE*

15 *ADMINISTRATION OF FOREIGN AFFAIRS*

16 *DIPLOMATIC AND CONSULAR PROGRAMS*

17 *For necessary expenses of the Department of State and*
 18 *the Foreign Service not otherwise provided for, including*
 19 *expenses authorized by the State Department Basic Au-*
 20 *thorities Act of 1956, as amended; representation to certain*
 21 *international organizations in which the United States*
 22 *participates pursuant to treaties, ratified pursuant to the*
 23 *advice and consent of the Senate, or specific Acts of Con-*
 24 *gress; acquisition by exchange or purchase of passenger*
 25 *motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C.*

1 481(c), and 22 U.S.C. 2674; and for expenses of general
2 administration; \$1,685,094,000: Provided, That of the
3 amount made available under this heading, not to exceed
4 \$4,000,000 may be transferred to, and merged with, funds
5 in the “Emergencies in the Diplomatic and Consular Serv-
6 ice” appropriations account, to be available only for emer-
7 gency evacuations and terrorism rewards: Provided further,
8 That of the amount made available under this heading,
9 \$500,000 shall be available only for the National Law Cen-
10 ter for Inter-American Free Trade: Provided further, That
11 of the amount made available under this heading,
12 \$13,000,000 shall be available only for the East-West Cen-
13 ter: Provided further, That, hereafter, notwithstanding sec-
14 tion 140(a)(5), and the second sentence of section 140(a)(3),
15 of the Foreign Relations Authorization Act, Fiscal Years
16 1994 and 1995 (Public Law 103–236), fees may be collected
17 under the authority of section 140(a)(1) of that Act: Pro-
18 vided further, That all fees collected under the preceding
19 proviso shall be deposited as an offsetting collection to ap-
20 propriations made under this heading to recover costs as
21 set forth under section 140(a)(2) of that Act and shall re-
22 main available until expended.

23 In addition, not to exceed \$700,000 in registration fees
24 collected pursuant to section 38 of the Arms Export Control
25 Act, as amended, may be used in accordance with section

1 45 of the State Department Basic Authorities Act of 1956
 2 (22 U.S.C. 2717); in addition not to exceed \$1,252,000 shall
 3 be derived from fees collected from other executive agencies
 4 for lease or use of facilities located at the International Cen-
 5 ter in accordance with section 4 of the International Center
 6 Act (Public Law 90-553), as amended, and in addition,
 7 as authorized by section 5 of such Act \$490,000, to be de-
 8 rived from the reserve authorized by that section, to be used
 9 for the purposes set out in that section; and in addition
 10 not to exceed \$15,000 which shall be derived from reim-
 11 bursements, surcharges, and fees for use of Blair House fa-
 12 cilities in accordance with section 46 of the State Depart-
 13 ment Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

14 *SALARIES AND EXPENSES*

15 *For expenses necessary for the general administration*
 16 *of the Department of State and the Foreign Service, pro-*
 17 *vided for by law, including expenses authorized by section*
 18 *9 of the Act of August 31, 1964, as amended (31 U.S.C.*
 19 *3721), and the State Department Basic Authorities Act of*
 20 *1956, as amended, \$349,474,000.*

21 *CAPITAL INVESTMENT FUND*

22 *For necessary expenses of the Capital Investment*
 23 *Fund, \$118,340,000, to remain available until expended, as*
 24 *authorized in Public Law 103-236: Provided, That section*
 25 *135(e) of Public Law 103-236 shall not apply to funds*
 26 *available under this heading.*

1 *OFFICE OF INSPECTOR GENERAL*

2 *For necessary expenses of the Office of Inspector Gen-*
 3 *eral in carrying out the provisions of the Inspector General*
 4 *Act of 1978, as amended (5 U.S.C. App.), \$27,495,000, not-*
 5 *withstanding section 209(a)(1) of the Foreign Service Act*
 6 *of 1980, as amended (Public Law 96-465), as it relates to*
 7 *post inspections.*

8 *REPRESENTATION ALLOWANCES*

9 *For representation allowances as authorized by section*
 10 *905 of the Foreign Service Act of 1980, as amended (22*
 11 *U.S.C. 4085), and for necessary expenses as authorized by*
 12 *section 4 of the State Department Basic Authority Act of*
 13 *1956 (22 U.S.C. 2671), \$6,500,000.*

14 *PROTECTION OF FOREIGN MISSIONS AND OFFICIALS*

15 *For expenses, not otherwise provided, to enable the Sec-*
 16 *retary of State to provide for extraordinary protective serv-*
 17 *ices in accordance with the provisions of section 214 of the*
 18 *State Department Basic Authorities Act of 1956 (22 U.S.C.*
 19 *4314) and 3 U.S.C. 208, \$7,900,000, to remain available*
 20 *until September 30, 2000.*

21 *SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS*

22 *For necessary expenses for carrying out the Foreign*
 23 *Service Buildings Act of 1926, as amended (22 U.S.C. 292-*
 24 *300), preserving, maintaining, repairing, and planning for,*
 25 *buildings that are owned or directly leased by the Depart-*
 26 *ment of State, renovating, in addition to funds otherwise*

1 *available, the Main State Building, and carrying out the*
 2 *Diplomatic Security Construction Program as authorized*
 3 *by title IV of the Omnibus Diplomatic Security and*
 4 *Antiterrorism Act of 1986 (22 U.S.C. 4851), \$550,832,000,*
 5 *to remain available until expended as authorized by section*
 6 *24(c) of the State Department Basic Authorities Act of 1956*
 7 *(22 U.S.C. 2696(c)): Provided, That none of the funds ap-*
 8 *propriated in this paragraph shall be available for acquisi-*
 9 *tion of furniture and furnishings and generators for other*
 10 *departments and agencies.*

11 *EMERGENCIES IN THE DIPLOMATIC AND CONSULAR*
 12 *SERVICE*

13 *For expenses necessary to enable the Secretary of State*
 14 *to meet unforeseen emergencies arising in the Diplomatic*
 15 *and Consular Service pursuant to the requirement of 31*
 16 *U.S.C. 3526(e), \$3,500,000 to remain available until ex-*
 17 *pended as authorized by section 24(c) of the State Depart-*
 18 *ment Basic Authorities Act of 1956 (22 U.S.C. 2696(c)),*
 19 *of which not to exceed \$1,000,000 may be transferred to and*
 20 *merged with the Repatriation Loans Program Account, sub-*
 21 *ject to the same terms and conditions.*

22 *REPATRIATION LOANS PROGRAM ACCOUNT*

23 *For the cost of direct loans, \$543,000, as authorized*
 24 *by section 4 of the State Department Basic Authorities Act*
 25 *of 1956 (22 U.S.C. 2671): Provided, That such costs, includ-*
 26 *ing the cost of modifying such loans, shall be as defined*

1 *in section 502 of the Congressional Budget Act of 1974. In*
 2 *addition, for administrative expenses necessary to carry out*
 3 *the direct loan program, \$457,000 which may be transferred*
 4 *to and merged with the Salaries and Expenses account*
 5 *under Administration of Foreign Affairs.*

6 *PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN*

7 *For necessary expenses to carry out the Taiwan Rela-*
 8 *tions Act, Public Law 96–8, \$14,490,000.*

9 *PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND*
 10 *DISABILITY FUND*

11 *For payment to the Foreign Service Retirement and*
 12 *Disability Fund, as authorized by law, \$132,500,000.*

13 *INTERNATIONAL ORGANIZATIONS AND CONFERENCES*

14 *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

15 *For expenses, not otherwise provided for, necessary to*
 16 *meet annual obligations of membership in international*
 17 *multilateral organizations, pursuant to treaties ratified*
 18 *pursuant to the advice and consent of the Senate, conven-*
 19 *tions or specific Acts of Congress, \$1,131,718,000, of which*
 20 *not to exceed \$254,000,000 shall remain available until ex-*
 21 *pended for payment of arrearages: Provided, That none of*
 22 *the funds appropriated or otherwise made available by this*
 23 *Act for payment of arrearages may be obligated or expended*
 24 *unless such obligation or expenditure is expressly author-*
 25 *ized by the enactment of an Act that makes payment of*
 26 *arrears contingent upon reforms that include the follow-*

1 *ing: a reduction in the United States assessed share of the*
2 *United Nations regular budget to 20 percent and of peace-*
3 *keeping operations to 25 percent; reimbursement for goods*
4 *and services provided by the United States to the United*
5 *Nations; certification that the United Nations and its spe-*
6 *cialized or affiliated agencies have not taken any action to*
7 *infringe on the sovereignty of the United States; a ceiling*
8 *on United States contributions to international organiza-*
9 *tions after fiscal year 1999 of \$900,000,000; establishment*
10 *of a merit-based personnel system at the United Nations*
11 *that includes a code of conduct and a personnel evaluation*
12 *system; United States membership on the Advisory Com-*
13 *mittee on Administrative and Budgetary Questions that*
14 *oversees the United Nations budget; access to United Na-*
15 *tions financial data by the General Accounting Office; and*
16 *achievement of a negative growth budget and the establish-*
17 *ment of independent inspectors general for affiliated orga-*
18 *nizations; and improved consultation procedures with the*
19 *Congress: Provided further, That any payment of arrear-*
20 *ages shall be directed toward special activities that are mu-*
21 *tually agreed upon by the United States and the respective*
22 *international organization: Provided further, That not to*
23 *exceed \$2,400,000 shall only be available to establish an*
24 *international center for response to chemical, biological,*
25 *and nuclear weapons: Provided further, That notwithstand-*

1 *ing section 402 of this Act, not to exceed \$1,223,000 may*
 2 *be transferred from the funds made available under this*
 3 *heading to the “International conferences and contin-*
 4 *gencies” account for assessed contributions to new or provi-*
 5 *sional international organizations or for travel expenses of*
 6 *official delegates to international conferences: Provided fur-*
 7 *ther, That any transfer pursuant to this paragraph shall*
 8 *be treated as a reprogramming of funds under section 605*
 9 *of this Act and shall not be available for obligation or ex-*
 10 *penditure except in compliance with the procedures set forth*
 11 *in that section.*

12 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*

13 *ACTIVITIES*

14 *For necessary expenses to pay assessed and other ex-*
 15 *penses of international peacekeeping activities directed to*
 16 *the maintenance or restoration of international peace and*
 17 *security \$431,093,000, of which not to exceed \$23,100,000*
 18 *shall remain available until expended, and of which not to*
 19 *exceed \$221,000,000 shall remain available until expended*
 20 *for payment of arrearages: Provided, That none of the funds*
 21 *appropriated or otherwise made available by this Act for*
 22 *payment of arrearages may be obligated or expended unless*
 23 *such obligation or expenditure is expressly authorized by*
 24 *the enactment of an Act described in the first proviso under*
 25 *the heading “Contributions to International Organiza-*
 26 *tions” in this title.*

1 *INTERNATIONAL COMMISSIONS*

2 *For necessary expenses, not otherwise provided for, to*
3 *meet obligations of the United States arising under treaties,*
4 *or specific Acts of Congress, as follows:*

5 *INTERNATIONAL BOUNDARY AND WATER COMMISSION,*
6 *UNITED STATES AND MEXICO*

7 *For necessary expenses for the United States Section*
8 *of the International Boundary and Water Commission,*
9 *United States and Mexico, and to comply with laws appli-*
10 *cable to the United States Section, including not to exceed*
11 *\$6,000 for representation; as follows:*

12 *SALARIES AND EXPENSES*

13 *For salaries and expenses, not otherwise provided for,*
14 *\$17,490,000.*

15 *CONSTRUCTION*

16 *For detailed plan preparation and construction of au-*
17 *thorized projects, \$6,463,000, to remain available until ex-*
18 *pendent, as authorized by section 24(c) of the State Depart-*
19 *ment Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).*

20 *AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS*

21 *For necessary expenses, not otherwise provided for the*
22 *International Joint Commission and the International*
23 *Boundary Commission, United States and Canada, as au-*
24 *thorized by treaties between the United States and Canada*
25 *or Great Britain, and for the Border Environment Coopera-*
26 *tion Commission as authorized by Public Law 103-182;*

1 \$5,490,000, of which not to exceed \$9,000 shall be available
2 for representation expenses incurred by the International
3 Joint Commission.

4 *INTERNATIONAL FISHERIES COMMISSIONS*

5 *For necessary expenses for international fisheries com-*
6 *missions, not otherwise provided for, as authorized by law,*
7 *\$14,549,000: Provided, That the United States' share of*
8 *such expenses may be advanced to the respective commis-*
9 *sions, pursuant to 31 U.S.C. 3324.*

10 *RELATED AGENCIES*

11 *ARMS CONTROL AND DISARMAMENT AGENCY*

12 *ARMS CONTROL AND DISARMAMENT ACTIVITIES*

13 *For necessary expenses not otherwise provided, for*
14 *arms control, nonproliferation, and disarmament activities,*
15 *\$43,400,000, of which not to exceed \$50,000 shall be for offi-*
16 *cial reception and representation expenses as authorized by*
17 *the Act of September 26, 1961, as amended (22 U.S.C. 2551*
18 *et seq.).*

19 *UNITED STATES INFORMATION AGENCY*

20 *INTERNATIONAL INFORMATION PROGRAMS*

21 *For expenses, not otherwise provided for, necessary to*
22 *enable the United States Information Agency, as authorized*
23 *by the Mutual Educational and Cultural Exchange Act of*
24 *1961, as amended (22 U.S.C. 2451 et seq.), the United*
25 *States Information and Educational Exchange Act of 1948,*
26 *as amended (22 U.S.C. 1431 et seq.), and Reorganization*

1 *Plan No. 2 of 1977 (91 Stat. 1636), to carry out inter-*
2 *national communication, educational and cultural activi-*
3 *ties; and to carry out related activities authorized by law,*
4 *including employment, without regard to civil service and*
5 *classification laws, of persons on a temporary basis (not*
6 *to exceed \$700,000 of this appropriation), as authorized by*
7 *section 801 of such Act of 1948 (22 U.S.C. 1471), and enter-*
8 *tainment, including official receptions, within the United*
9 *States, not to exceed \$25,000 as authorized by section*
10 *804(3) of such Act of 1948 (22 U.S.C. 1474(3));*
11 *\$427,097,000: Provided, That not to exceed \$1,400,000 may*
12 *be used for representation abroad as authorized by section*
13 *302 of such Act of 1948 (22 U.S.C. 1452) and section 905*
14 *of the Foreign Service Act of 1980 (22 U.S.C. 4085): Pro-*
15 *vided further, That not to exceed \$6,000,000, to remain*
16 *available until expended, may be credited to this appropria-*
17 *tion from fees or other payments received from or in connec-*
18 *tion with English teaching, library, motion pictures, and*
19 *publication programs as authorized by section 810 of such*
20 *Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any*
21 *other law, fees from educational advising and counseling,*
22 *and exchange visitor program services: Provided further,*
23 *That not to exceed \$920,000 to remain available until ex-*
24 *pended may be used to carry out projects involving security*
25 *construction and related improvements for agency facilities*

1 *not physically located together with Department of State*
2 *facilities abroad.*

3 *TECHNOLOGY FUND*

4 *For expenses necessary to enable the United States In-*
5 *formation Agency to provide for the procurement of infor-*
6 *mation technology improvements, as authorized by the*
7 *United States Information and Educational Exchange Act*
8 *of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual*
9 *Educational and Cultural Exchange Act of 1961, as amend-*
10 *ed (22 U.S.C. 2451 et seq.), and Reorganization Plan No.*
11 *2 of 1977 (91 Stat. 1636), \$5,050,000, to remain available*
12 *until expended.*

13 *EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS*

14 *For expenses of educational and cultural exchange pro-*
15 *grams, as authorized by the Mutual Educational and Cul-*
16 *tural Exchange Act of 1961, as amended (22 U.S.C. 2451*
17 *et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat.*
18 *1636), \$205,024,000, to remain available until expended as*
19 *authorized by section 105 of such Act of 1961 (22 U.S.C.*
20 *2455): Provided, That not to exceed \$800,000, to remain*
21 *available until expended, may be credited to this appropria-*
22 *tion from fees or other payments received from or in connec-*
23 *tion with English teaching and publication programs as*
24 *authorized by section 810 of the United States Information*
25 *and Educational Exchange Act of 1948 (22 U.S.C. 1475e)*

1 *and, notwithstanding any other provision of law, fees from*
2 *educational advising and counseling.*

3 *EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST*

4 *FUND*

5 *For necessary expenses of Eisenhower Exchange Fel-*
6 *lowships, Incorporated, as authorized by sections 4 and 5*
7 *of the Eisenhower Exchange Fellowship Act of 1990 (20*
8 *U.S.C. 5204–5205), all interest and earnings accruing to*
9 *the Eisenhower Exchange Fellowship Program Trust Fund*
10 *on or before September 30, 1999, to remain available until*
11 *expended: Provided, That none of the funds appropriated*
12 *herein shall be used to pay any salary or other compensa-*
13 *tion, or to enter into any contract providing for the pay-*
14 *ment thereof, in excess of the rate authorized by 5 U.S.C.*
15 *5376; or for purposes which are not in accordance with*
16 *OMB Circulars A–110 (Uniform Administrative Require-*
17 *ments) and A–122 (Cost Principles for Non-profit Organi-*
18 *zations), including the restrictions on compensation for per-*
19 *sonal services.*

20 *ISRAELI ARAB SCHOLARSHIP PROGRAM*

21 *For necessary expenses of the Israeli Arab Scholarship*
22 *Program as authorized by section 214 of the Foreign Rela-*
23 *tions Authorization Act, Fiscal Years 1992 and 1993 (22*
24 *U.S.C. 2452), all interest and earnings accruing to the*
25 *Israeli Arab Scholarship Fund on or before September 30,*
26 *1999, to remain available until expended.*

1 *INTERNATIONAL BROADCASTING OPERATIONS*

2 *For expenses necessary to enable the United States In-*
3 *formation Agency, as authorized by the United States Infor-*
4 *mation and Educational Exchange Act of 1948, as amend-*
5 *ed, the United States International Broadcasting Act of*
6 *1994, as amended, and Reorganization Plan No. 2 of 1977,*
7 *to carry out international communication activities,*
8 *\$332,915,000, of which not to exceed \$16,000 may be used*
9 *for official receptions within the United States as author-*
10 *ized by section 804(3) of such Act of 1948 (22 U.S.C.*
11 *1747(3)), not to exceed \$35,000 may be used for representa-*
12 *tion abroad as authorized by section 302 of such Act of 1948*
13 *(22 U.S.C. 1452) and section 905 of the Foreign Service*
14 *Act of 1980 (22 U.S.C. 4085), and not to exceed \$39,000*
15 *may be used for official reception and representation ex-*
16 *penses of Radio Free Europe/Radio Liberty; and in addi-*
17 *tion, notwithstanding any other provision of law, not to*
18 *exceed \$2,000,000 in receipts from advertising and revenue*
19 *from business ventures, not to exceed \$500,000 in receipts*
20 *from cooperating international organizations, and not to*
21 *exceed \$1,000,000 in receipts from privatization efforts of*
22 *the Voice of America and the International Broadcasting*
23 *Bureau, to remain available until expended for carrying*
24 *out authorized purposes.*

1 *BROADCASTING TO CUBA*

2 *For expenses necessary to enable the United States In-*
3 *formation Agency to carry out the Radio Broadcasting to*
4 *Cuba Act, as amended, the Television Broadcasting to Cuba*
5 *Act, and the International Broadcasting Act of 1994, in-*
6 *cluding the purchase, rent, construction, and improvement*
7 *of facilities for radio and television transmission and recep-*
8 *tion, and purchase and installation of necessary equipment*
9 *for radio and television transmission and reception,*
10 *\$22,095,000, to remain available until expended.*

11 *RADIO CONSTRUCTION*

12 *For the purchase, rent, construction, and improvement*
13 *of facilities for radio transmission and reception, and pur-*
14 *chase and installation of necessary equipment for radio and*
15 *television transmission and reception as authorized by sec-*
16 *tion 801 of the United States Information and Educational*
17 *Exchange Act of 1948 (22 U.S.C. 1471), \$13,245,000, to*
18 *remain available until expended, as authorized by section*
19 *704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).*

20 *EAST-WEST CENTER*

21 *To enable the Director of the United States Informa-*
22 *tion Agency to provide for carrying out the provisions of*
23 *the Center for Cultural and Technical Interchange Between*
24 *East and West Act of 1960 (22 U.S.C. 2054–2057), by grant*
25 *to the Center for Cultural and Technical Interchange Be-*
26 *tween East and West in the State of Hawaii, \$12,000,000:*

1 *Provided, That none of the funds appropriated herein shall*
 2 *be used to pay any salary, or enter into any contract pro-*
 3 *viding for the payment thereof, in excess of the rate author-*
 4 *ized by 5 U.S.C. 5376.*

5 *NORTH/SOUTH CENTER*

6 *To enable the Director of the United States Informa-*
 7 *tion Agency to provide for carrying out the provisions of*
 8 *the North/South Center Act of 1991 (22 U.S.C. 2075), by*
 9 *grant to an educational institution in Florida known as*
 10 *the North/South Center, \$3,000,000, to remain available*
 11 *until expended.*

12 *NATIONAL ENDOWMENT FOR DEMOCRACY*

13 *For grants made by the United States Information*
 14 *Agency to the National Endowment for Democracy as au-*
 15 *thorized by the National Endowment for Democracy Act,*
 16 *\$30,500,000, to remain available until expended.*

17 *GENERAL PROVISIONS—DEPARTMENT OF STATE AND*
 18 *RELATED AGENCIES*

19 *SEC. 401. Funds appropriated under this title shall*
 20 *be available, except as otherwise provided, for allowances*
 21 *and differentials as authorized by subchapter 59 of title 5,*
 22 *United States Code; for services as authorized by 5 U.S.C.*
 23 *3109; and hire of passenger transportation pursuant to 31*
 24 *U.S.C. 1343(b).*

25 *SEC. 402. Not to exceed 10 percent of any appropria-*
 26 *tion made available for the current fiscal year for the De-*

1 partment of State in this Act may be transferred between
2 such appropriations, but no such appropriation, except as
3 otherwise specifically provided, shall be increased by more
4 than 20 percent by any such transfers: Provided, That not
5 to exceed 10 percent of any appropriation made available
6 for the current fiscal year for the United States Information
7 Agency in this Act may be transferred between such appro-
8 priations, but no such appropriation, except as otherwise
9 specifically provided, shall be increased by more than 20
10 percent by any such transfers: Provided further, That any
11 transfer pursuant to this section shall be treated as a re-
12 programming of funds under section 605 of this Act and
13 shall not be available for obligation or expenditure except
14 in compliance with the procedures set forth in that section.

15 SEC. 403. None of the funds made available in this
16 Act may be used by the Department of State or the United
17 States Information Agency to provide equipment, technical
18 support, training, consulting services, or any other form of
19 assistance to the Palestinian Broadcasting Corporation or
20 similar organization.

21 SEC. 404. None of the funds appropriated or otherwise
22 made available by this Act may be obligated or expended
23 to pay for any cost incurred for—

1 (1) *opening or operating any United States dip-*
2 *lomatic or consular post in the Socialist Republic of*
3 *Vietnam that was not operating on July 11, 1995,*

4 (2) *expanding any United States diplomatic or*
5 *consular post in the Socialist Republic of Vietnam*
6 *that was operating on July 11, 1995, or*

7 (3) *increasing the total number of personnel as-*
8 *signed to United States diplomatic or consular posts*
9 *in the Socialist Republic of Vietnam above the levels*
10 *existing on July 11, 1995,*

11 *unless the President certifies within 60 days the following:*

12 (A) *Based upon all information available to the*
13 *United States Government, the Government of the So-*
14 *cialist Republic of Vietnam is fully cooperating in*
15 *good faith with the United States in the following:*

16 (i) *Resolving discrepancy cases, live*
17 *sightings, and field activities.*

18 (ii) *Recovering and repatriating American*
19 *remains.*

20 (iii) *Accelerating efforts to provide docu-*
21 *ments that will help lead to fullest possible ac-*
22 *counting of prisoners of war and missing in ac-*
23 *tion.*

24 (iv) *Providing further assistance in imple-*
25 *menting trilateral investigations with Laos.*

1 (B) *The remains, artifacts, eyewitness accounts,*
2 *archival material, and other evidence associated with*
3 *prisoners of war and missing in action recovered*
4 *from crash sites, military actions, and other locations*
5 *in Southeast Asia are being thoroughly analyzed by*
6 *the appropriate laboratories with the intent of provid-*
7 *ing surviving relatives with scientifically defensible,*
8 *legal determinations of death or other accountability*
9 *that are fully documented and available in unclassi-*
10 *fied and unredacted form to immediate family mem-*
11 *bers.*

12 *SEC. 405. During the current fiscal year and hereafter,*
13 *the Secretary of State shall have discretionary authority to*
14 *pay tort claims in the manner authorized by section 2672*
15 *of title 28, United States Code, when such claims arise in*
16 *foreign countries in connection with the overseas operations*
17 *of the Department of State.*

18 *SEC. 406. None of the funds appropriated or otherwise*
19 *made available by this Act or any other Act for fiscal year*
20 *1999 or any fiscal year thereafter should be expended for*
21 *the operation of a United States consulate or diplomatic*
22 *facility in Jerusalem unless such consulate or diplomatic*
23 *facility is under the supervision of the United States Am-*
24 *bassador to Israel.*

1 *SEC. 407. None of the funds appropriated or otherwise*
2 *made available by this Act or any other Act for fiscal year*
3 *1999 or any fiscal year thereafter may be expended for the*
4 *publication of any official Government document which*
5 *lists countries and their capital cities unless the publication*
6 *identifies Jerusalem as the capital of Israel.*

7 *SEC. 408. For the purposes of the registration of birth,*
8 *certification of nationality, or issuance of a passport of a*
9 *United States citizen born in the city of Jerusalem, the Sec-*
10 *retary of State shall, upon request of the citizen, record the*
11 *place of birth as Israel.*

12 *SEC. 409. (a) WAIVER OF FEES FOR CERTAIN*
13 *VISAS.—*

14 *(1) REQUIREMENT.—*

15 *(A) IN GENERAL.—Notwithstanding any*
16 *other provision of law and subject to subpara-*
17 *graph (B), the Secretary of State and the Attor-*
18 *ney General shall waive the fee for the processing*
19 *of any application for the issuance of a machine*
20 *readable combined border crossing card and non-*
21 *immigrant visa under section 101(a)(15)(B) of*
22 *the Immigration and Nationality Act in the case*
23 *of any alien under 15 years of age where the ap-*
24 *plication for the machine readable combined bor-*
25 *der crossing card and nonimmigrant visa is*

1 *made in Mexico by a citizen of Mexico who has*
2 *at least one parent or guardian who has a visa*
3 *under such section or is applying for a machine*
4 *readable combined border crossing card and non-*
5 *immigrant visa under such section as well.*

6 *(B) DELAYED COMMENCEMENT.—The Sec-*
7 *retary of State and the Attorney General may*
8 *not commence implementation of the requirement*
9 *in subparagraph (A) until the later of—*

10 *(i) the date that is 6 months after the*
11 *date of enactment of this Act; or*

12 *(ii) the date on which the Secretary*
13 *sets the amount of the fee or surcharge in*
14 *accordance with paragraph (3).*

15 *(2) PERIOD OF VALIDITY OF VISAS.—*

16 *(A) IN GENERAL.—Except as provided in*
17 *subparagraph (B), if the fee for a machine read-*
18 *able combined border crossing card and non-*
19 *immigrant visa issued under section*
20 *101(a)(15)(B) of the Immigration and National-*
21 *ity Act has been waived under paragraph (1) for*
22 *a child under 15 years of age, the machine read-*
23 *able combined border crossing card and non-*
24 *immigrant visa shall be issued to expire on the*
25 *earlier of—*

1 (i) the date on which the child attains
2 the age of 15; or

3 (ii) ten years after its date of issue.

4 (B) *EXCEPTION.*—At the request of the par-
5 ent or guardian of any alien under 15 years of
6 age otherwise covered by subparagraph (A), the
7 Secretary of State and the Attorney General may
8 charge a fee for the processing of an application
9 for the issuance of a machine readable combined
10 border crossing card and nonimmigrant visa
11 under section 101(a)(15)(B) of the Immigration
12 and Nationality Act provided that the machine
13 readable combined border crossing card and non-
14 immigrant visa is issued to expire as of the same
15 date as is usually provided for visas issued
16 under that section.

17 (3) *RECOUPMENT OF COSTS RESULTING FROM*
18 *WAIVER.*—Notwithstanding any other provision of
19 law, the Secretary of State shall set the amount of the
20 fee or surcharge authorized pursuant to section 140(a)
21 of the Foreign Relations Authorization Act, Fiscal
22 Years 1994 and 1995 (Public Law 103–236; 8 U.S.C.
23 1351 note) for the processing of machine readable
24 combined border crossing cards and nonimmigrant
25 visas at a level that will ensure the full recovery by

1 *the Department of State of the costs of processing all*
2 *such combined border crossing cards and non-*
3 *immigrant visas, including the costs of processing*
4 *such combined border crossing cards and non-*
5 *immigrant visas for which the fee is waived pursuant*
6 *to this subsection.*

7 *(b) PROCESSING IN MEXICAN BORDER CITIES.—The*
8 *Secretary of State shall continue, until at least October 1,*
9 *2003, or until all border crossing identification cards in*
10 *circulation have otherwise been required to be replaced*
11 *under section 104(b)(3) of the Illegal Immigration Reform*
12 *and Immigrant Responsibility Act of 1996 (as added by*
13 *section 116(b)(2) of this Act), to process applications for*
14 *visas under section 101(a)(15)(B) of the Immigration and*
15 *Nationality Act at the following cities in Mexico located*
16 *near the international border with the United States:*
17 *Nogales, Nuevo Laredo, Ciudad Acuna, Piedras Negras,*
18 *Agua Prieta, and Reynosa.*

19 *SEC. 410. (a) The purpose of this section is to protect*
20 *the national security interests of the United States while*
21 *studying the appropriate level of resources to improve the*
22 *issuance of visas to legitimate foreign travelers.*

23 *(b) Congress recognizes the importance of maintaining*
24 *quality service by consular officers in the processing of ap-*
25 *plications for nonimmigrant visas and finds that this re-*

1 *quirement should be reflected in any timeliness standards*
2 *or other regulations governing the issuance of visas.*

3 *(c) The Secretary of State shall conduct a study to de-*
4 *termine, with respect to the processing of nonimmigrant*
5 *visas within the Department of State—*

6 *(1) the adequacy of staffing at United States*
7 *consular posts, particularly during peak travel peri-*
8 *ods;*

9 *(2) the adequacy of service to international tour-*
10 *ism;*

11 *(3) the adequacy of computer and technical sup-*
12 *port to consular posts; and*

13 *(4) the appropriate standard to determine*
14 *whether a country qualifies as a pilot program coun-*
15 *try under the visa waiver pilot program in section*
16 *217 of the Immigration and Nationality Act (8*
17 *U.S.C. 1187).*

18 *(d)(1) Not later than 120 days after the date of enact-*
19 *ment of this Act, the Secretary of State shall submit a re-*
20 *port to Congress setting forth—*

21 *(A) the results of the study conducted under sub-*
22 *section (c); and*

23 *(B) the steps the Secretary has taken to imple-*
24 *ment timeliness standards.*

1 (2) *Beginning one year after the date of submission*
2 *of the report required by paragraph (1), and annually*
3 *thereafter, the Secretary of State shall submit a report to*
4 *Congress describing the implementation of timeliness stand-*
5 *ards during the preceding year.*

6 (e) *In this section—*

7 (1) *the term “nonimmigrant visas” means visas*
8 *issued to aliens described in section 101(a)(15) of the*
9 *Immigration and Nationality Act (8 U.S.C.*
10 *1101(a)(15)); and*

11 (2) *the term “timeliness standards” means*
12 *standards governing the timely processing of applica-*
13 *tions for nonimmigrant visas at United States con-*
14 *sular posts.*

15 SEC. 411. *Before any additional disbursement of funds*
16 *may be made pursuant to the sixth proviso under the head-*
17 *ing “CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS”*
18 *in title IV of the Departments of Commerce, Justice, and*
19 *State, the Judiciary, and Related Agencies Appropriations*
20 *Act, 1998 (as contained in Public Law 105–119)—*

21 (1) *the Secretary of State shall, in lieu of the*
22 *certification required under such sixth proviso, sub-*
23 *mit a certification to the committees described in*
24 *paragraph (2) that the United Nations has taken no*
25 *action during the preceding six months to increase*

1 *funding for any United Nations program without*
 2 *identifying an offsetting decrease during the 6-month*
 3 *period elsewhere in the United Nations budget and*
 4 *cause the United Nations to exceed the reform budget*
 5 *of \$2,533,000,000 for the biennium 1998–1999; and*

6 *(2) the certification under paragraph (1) is sub-*
 7 *mitted to the Committees on Appropriations and For-*
 8 *eign Relations of the Senate and the Committees on*
 9 *Appropriations and International Relations of the*
 10 *House of Representatives at least 15 days in advance*
 11 *of any disbursement of funds.*

12 SEC. 412. BAN ON EXTRADITION OR TRANSFER OF
 13 UNITED STATES CITIZENS TO THE INTERNATIONAL CRIMI-
 14 NAL COURT. (a) EXTRADITION.—None of the funds appro-
 15 priated or otherwise made available by this or any other
 16 Act may be used to extradite a United States citizen to a
 17 foreign nation that is under an obligation to surrender per-
 18 sons to the International Criminal Court unless that foreign
 19 nation confirms to the United States that applicable prohi-
 20 bitions on re-extradition apply to such surrender, or gives
 21 other satisfactory assurances to the United States that it
 22 will not extradite or otherwise transfer that citizen to the
 23 International Criminal Court.

24 (b) CONSENT.—None of the funds appropriated or oth-
 25 erwise made available by this or any other Act may be used

1 *to provide consent to the extradition or transfer of a United*
2 *States citizen by a foreign country that is under an obliga-*
3 *tion to surrender persons to the International Criminal*
4 *Court to a third country, unless the third country confirms*
5 *to the United States that applicable prohibitions on re-ex-*
6 *tradition apply to such surrender, or gives other satisfac-*
7 *tory assurances to the United States that it will not extra-*
8 *dite or otherwise transfer that citizen to the International*
9 *Criminal Court.*

10 *(c) DEFINITION.—As used in this section, the term*
11 *“International Criminal Court” means the court estab-*
12 *lished by agreement concluded in Rome on July 17, 1998.*

13 *SEC. 413. (a) None of the funds appropriated or other-*
14 *wise made available by this or any other Act (including*
15 *prior appropriations) may be used for—*

16 *(1) the payment of any representation in, or any*
17 *contribution to (including any assessed contribution),*
18 *or provision of funds, services, equipment, personnel,*
19 *or other support to, the International Criminal Court*
20 *established by agreement concluded in Rome on July*
21 *17, 1998, or*

22 *(2) the United States proportionate share of any*
23 *assessed contribution to the United Nations or any*
24 *other international organization that is used to pro-*

1 *vide support to the International Criminal Court de-*
 2 *scribed in paragraph (1),*
 3 *unless the Senate has given its advice and consent to ratifi-*
 4 *cation of the agreement as a treaty under Article II, Section*
 5 *2, Clause 2 of the Constitution of the United States.*

6 *This title may be cited as the “Department of State*
 7 *and Related Agencies Appropriations Act, 1999”.*

8 *TITLE V—RELATED AGENCIES*

9 *DEPARTMENT OF TRANSPORTATION*

10 *MARITIME ADMINISTRATION*

11 *MARITIME SECURITY PROGRAM*

12 *For necessary expenses to maintain and preserve a*
 13 *U.S.-flag merchant fleet to serve the national security needs*
 14 *of the United States, \$97,650,000, to remain available until*
 15 *expended.*

16 *OPERATIONS AND TRAINING*

17 *For necessary expenses of operations and training ac-*
 18 *tivities authorized by law, \$69,818,000: Provided, That re-*
 19 *imbursements may be made to this appropriation from re-*
 20 *ceipts to the “Federal Ship Financing Fund” for adminis-*
 21 *trative expenses in support of that program in addition to*
 22 *any amount heretofore appropriated: Provided further,*
 23 *That, of this amount, \$1,400,000 shall be available for Stu-*
 24 *dent Incentive Payments.*

1 *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*

2 *ACCOUNT*

3 *For the cost of guaranteed loans, as authorized by the*
4 *Merchant Marine Act, 1936, \$10,000,000, to remain avail-*
5 *able until expended: Provided, That such costs, including*
6 *the cost of modifying such loans, shall be as defined in sec-*
7 *tion 502 of the Congressional Budget Act of 1974, as*
8 *amended: Provided further, That these funds are available*
9 *to subsidize total loan principal, any part of which is to*
10 *be guaranteed, not to exceed \$1,000,000,000.*

11 *ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION*

12 *Notwithstanding any other provision of this Act, the*
13 *Maritime Administration is authorized to furnish utilities*
14 *and services and make necessary repairs in connection with*
15 *any lease, contract, or occupancy involving Government*
16 *property under control of the Maritime Administration,*
17 *and payments received therefor shall be credited to the ap-*
18 *propriation charged with the cost thereof: Provided, That*
19 *rental payments under any such lease, contract, or occu-*
20 *pancy for items other than such utilities, services, or repairs*
21 *shall be covered into the Treasury as miscellaneous receipts.*

22 *No obligations shall be incurred during the current fis-*
23 *cal year from the construction fund established by the Mer-*
24 *chant Marine Act, 1936, or otherwise, in excess of the ap-*
25 *propriations and limitations contained in this Act or in*
26 *any prior appropriation Act, and all receipts which other-*

1 *wise would be deposited to the credit of said fund shall be*
2 *covered into the Treasury as miscellaneous receipts.*

3 *COMMISSION FOR THE PRESERVATION OF AMERICA'S*
4 *HERITAGE ABROAD*
5 *SALARIES AND EXPENSES*

6 *For expenses for the Commission for the Preservation*
7 *of America's Heritage Abroad, \$250,000, as authorized by*
8 *Public Law 99-83, section 1303.*

9 *COMMISSION ON CIVIL RIGHTS*
10 *SALARIES AND EXPENSES*
11 *For necessary expenses of the Commission on Civil*
12 *Rights, including hire of passenger motor vehicles,*
13 *\$8,900,000: Provided, That not to exceed \$50,000 may be*
14 *used to employ consultants: Provided further, That none of*
15 *the funds appropriated in this paragraph shall be used to*
16 *employ in excess of four full-time individuals under Sched-*
17 *ule C of the Excepted Service exclusive of one special assist-*
18 *ant for each Commissioner: Provided further, That none of*
19 *the funds appropriated in this paragraph shall be used to*
20 *reimburse Commissioners for more than 75 billable days,*
21 *with the exception of the Chairperson who is permitted 125*
22 *billable days.*

1 *COMMISSION ON SECURITY AND COOPERATION IN EUROPE*
2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Commission on Security*
4 *and Cooperation in Europe, as authorized by Public Law*
5 *94-304, \$1,159,000, to remain available until expended as*
6 *authorized by section 3 of Public Law 99-7.*

7 *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*
8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the Equal Employment Op-*
10 *portunity Commission as authorized by title VII of the*
11 *Civil Rights Act of 1964, as amended (29 U.S.C. 206(d)*
12 *and 621-634), the Americans with Disabilities Act of 1990,*
13 *and the Civil Rights Act of 1991, including services as au-*
14 *thorized by 5 U.S.C. 3109; hire of passenger motor vehicles*
15 *as authorized by 31 U.S.C. 1343(b); non-monetary awards*
16 *to private citizens; and not to exceed \$27,500,000 for pay-*
17 *ments to State and local enforcement agencies for services*
18 *to the Commission pursuant to title VII of the Civil Rights*
19 *Act of 1964, as amended, sections 6 and 14 of the Age Dis-*
20 *crimination in Employment Act, the Americans with Dis-*
21 *abilities Act of 1990, and the Civil Rights Act of 1991;*
22 *\$253,580,000: Provided, That the Commission is authorized*
23 *to make available for official reception and representation*
24 *expenses not to exceed \$2,500 from available funds.*

1 *FEDERAL COMMUNICATIONS COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Communications*
4 *Commission, as authorized by law, including uniforms and*
5 *allowances therefor, as authorized by 5 U.S.C. 5901–02; not*
6 *to exceed \$600,000 for land and structure; not to exceed*
7 *\$500,000 for improvement and care of grounds and repair*
8 *to buildings; not to exceed \$4,000 for official reception and*
9 *representation expenses; purchase (not to exceed 16) and*
10 *hire of motor vehicles; special counsel fees; and services as*
11 *authorized by 5 U.S.C. 3109; \$197,921,000, of which not*
12 *to exceed \$300,000 shall remain available until September*
13 *30, 1999, for research and policy studies: Provided, That*
14 *\$172,523,000 of offsetting collections shall be assessed and*
15 *collected pursuant to section 9 of title I of the Communica-*
16 *tions Act of 1934, as amended, and shall be retained and*
17 *used for necessary expenses in this appropriation, and shall*
18 *remain available until expended: Provided further, That the*
19 *sum herein appropriated shall be reduced as such offsetting*
20 *collections are received during fiscal year 1999 so as to re-*
21 *sult in a final fiscal year 1999 appropriation estimated at*
22 *\$25,398,000: Provided further, That any offsetting collec-*
23 *tions received in excess of \$172,523,000 in fiscal year 1999*
24 *shall remain available until expended, but shall not be*
25 *available for obligation until October 1, 1999: Provided fur-*

1 *ther, That any two stations that are primary affiliates of*
 2 *the same broadcast network within any given designated*
 3 *market area authorized to deliver a digital signal by No-*
 4 *vember 1, 1998 must be guaranteed access on the same*
 5 *terms and conditions by any multichannel video provider*
 6 *(including off-air, cable and satellite distribution).*

7 *FEDERAL MARITIME COMMISSION*

8 *SALARIES AND EXPENSES*

9 *For necessary expenses of the Federal Maritime Com-*
 10 *mission as authorized by section 201(d) of the Merchant*
 11 *Marine Act of 1936, as amended (46 U.S.C. App. 1111, in-*
 12 *cluding services as authorized by 5 U.S.C. 3109; hire of pas-*
 13 *senger motor vehicles as authorized by 31 U.S.C. 1343(b);*
 14 *and uniforms or allowances therefor, as authorized by 5*
 15 *U.S.C. 5901–02; \$14,300,000: Provided, That not to exceed*
 16 *\$2,000 shall be available for official reception and represen-*
 17 *tation expenses.*

18 *FEDERAL TRADE COMMISSION*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Federal Trade Commis-*
 21 *sion, including uniforms or allowances therefor, as author-*
 22 *ized by 5 U.S.C. 5901–5902; services as authorized by 5*
 23 *U.S.C. 3109; hire of passenger motor vehicles; and not to*
 24 *exceed \$2,000 for official reception and representation ex-*
 25 *penses; \$93,167,000: Provided, That not to exceed \$300,000*

1 *shall be available for use to contract with a person or per-*
2 *sons for collection services in accordance with the terms of*
3 *31 U.S.C. 3718, as amended: Provided further, That not-*
4 *withstanding any other provision of law, not to exceed*
5 *\$90,000,000 of offsetting collections derived from fees col-*
6 *lected for premerger notification filings under the Hart-*
7 *Scott-Rodino Antitrust Improvements Act of 1976 (15*
8 *U.S.C. 18(a)) shall be retained and used for necessary ex-*
9 *penses in this appropriation, and shall remain available*
10 *until expended: Provided further, That the sum herein ap-*
11 *propriated from the General Fund shall be reduced as such*
12 *offsetting collections are received during fiscal year 1999,*
13 *so as to result in a final fiscal year 1999 appropriation*
14 *from the General Fund estimated at not more than*
15 *\$3,167,000: Provided further, That the fourth proviso under*
16 *the heading “Federal Trade Commission, Salaries and Ex-*
17 *penses” in Public Law 105–119 is repealed: Provided fur-*
18 *ther, That none of the funds made available to the Federal*
19 *Trade Commission shall be available for obligation for ex-*
20 *penses authorized by section 151 of the Federal Deposit In-*
21 *surance Corporation Improvement Act of 1991 (Public Law*
22 *102–242, 105 Stat. 2282–2285).*

1 *LEGAL SERVICES CORPORATION*

2 *PAYMENT TO THE LEGAL SERVICES CORPORATION*

3 *For payment to the Legal Services Corporation to*
 4 *carry out the purposes of the Legal Services Corporation*
 5 *Act of 1974, as amended, \$300,000,000, of which*
 6 *\$288,700,000 is for basic field programs and required inde-*
 7 *pendent audits; \$300,000 is for grants for litigation associ-*
 8 *ated with Aguilar v. United States; \$2,015,000 is for the*
 9 *Office of Inspector General, of which such amounts as may*
 10 *be necessary may be used to conduct additional audits of*
 11 *recipients; and \$8,985,000 is for management and adminis-*
 12 *tration.*

13 *ADMINISTRATIVE PROVISIONS—LEGAL SERVICES*

14 *CORPORATION*

15 *SEC. 501. (a) CONTINUATION OF COMPETITIVE SELEC-*
 16 *TION PROCESS.—None of the funds appropriated in this Act*
 17 *to the Legal Services Corporation may be used to provide*
 18 *financial assistance to any person or entity except through*
 19 *a competitive selection process conducted in accordance*
 20 *with regulations promulgated by the Corporation in accord-*
 21 *ance with the criteria set forth in subsections (c), (d), and*
 22 *(e) of section 503 of Public Law 104–134 (110 Stat. 1321–*
 23 *52 et seq.).*

24 *(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—*
 25 *Sections 1007(a)(9) and 1011 of the Legal Services Cor-*
 26 *poration Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not*

1 *apply to the provision, denial, suspension, or termination*
2 *of any financial assistance using funds appropriated in*
3 *this Act.*

4 (c) *ADDITIONAL PROCEDURES.—If, during any term*
5 *of a grant or contract awarded to a recipient by the Legal*
6 *Services Corporation under the competitive selection process*
7 *referred to in subsection (a) and applicable Corporation*
8 *regulations, the Corporation finds, after notice and oppor-*
9 *tunity for the recipient to be heard, that the recipient has*
10 *failed to comply with any requirement of the Legal Services*
11 *Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any*
12 *other applicable law relating to funding for the Corpora-*
13 *tion, the Corporation may terminate the grant or contract*
14 *and institute a new competitive selection process for the*
15 *area served by the recipient, notwithstanding the terms of*
16 *the recipient's grant or contract.*

17 SEC. 502. (a) *CONTINUATION OF REQUIREMENTS AND*
18 *RESTRICTIONS.—None of the funds appropriated in this*
19 *Act to the Legal Services Corporation shall be expended for*
20 *any purpose prohibited or limited by, or contrary to any*
21 *of the provisions of—*

22 (1) *sections 501, 502, 505, 506, and 507 of Pub-*
23 *lic Law 104–134 (110 Stat. 1321–51 et seq.), and all*
24 *funds appropriated in this Act to the Legal Services*
25 *Corporation shall be subject to the same terms and*

1 *conditions as set forth in such sections, except that all*
2 *references in such sections to 1995 and 1996 shall be*
3 *deemed to refer instead to 1998 and 1999, respec-*
4 *tively; and*

5 *(2) section 504 of Public Law 104–134 (110*
6 *Stat. 1321–53 et seq.), and all funds appropriated in*
7 *this Act to the Legal Services Corporation shall be*
8 *subject to the same terms and conditions set forth in*
9 *such section, except that—*

10 *(A) subsection (c) of such section 504 shall*
11 *not apply;*

12 *(B) paragraph (3) of section 508(b) of Pub-*
13 *lic Law 104–134 (110 Stat. 1321–58) shall*
14 *apply with respect to the requirements of sub-*
15 *section (a)(13) of such section 504, except that*
16 *all references in such section 508(b) to the date*
17 *of enactment shall be deemed to refer to April 26,*
18 *1996; and*

19 *(C) subsection (a)(11) of such section 504*
20 *shall not be construed to prohibit a recipient*
21 *from using funds derived from a source other*
22 *than the Corporation to provide related legal as-*
23 *sistance to—*

24 *(i) an alien who has been battered or*
25 *subjected to extreme cruelty in the United*

1 *States by a spouse or a parent, or by a*
2 *member of the spouse's or parent's family*
3 *residing in the same household as the alien*
4 *and the spouse or parent consented or ac-*
5 *quiesced to such battery or cruelty; or*

6 (ii) *an alien whose child has been bat-*
7 *tered or subjected to extreme cruelty in the*
8 *United States by a spouse or parent of the*
9 *alien (without the active participation of*
10 *the alien in the battery or extreme cruelty),*
11 *or by a member of the spouse's or parent's*
12 *family residing in the same household as*
13 *the alien and the spouse or parent consented*
14 *or acquiesced to such battery or cruelty, and*
15 *the alien did not actively participate in*
16 *such battery or cruelty.*

17 (b) *DEFINITIONS.—For purposes of subsection*

18 (a)(2)(C):

19 (1) *The term “battered or subjected to extreme*
20 *cruelty” has the meaning given such term under regu-*
21 *lations issued pursuant to subtitle G of the Violence*
22 *Against Women Act of 1994 (Public Law 103–322;*
23 *108 Stat. 1953).*

24 (2) *The term “related legal assistance” means*
25 *legal assistance directly related to the prevention of,*

1 *or obtaining of relief from, the battery or cruelty de-*
 2 *scribed in such subsection.*

3 *SEC. 503. (a) CONTINUATION OF AUDIT REQUIRE-*
 4 *MENTS.—The requirements of section 509 of Public Law*
 5 *104–134 (110 Stat. 1321–58 et seq.), other than subsection*
 6 *(l) of such section, shall apply during the current fiscal*
 7 *year.*

8 *(b) REQUIREMENT OF ANNUAL AUDIT.—An annual*
 9 *audit of each person or entity receiving financial assistance*
 10 *from the Legal Services Corporation under this Act shall*
 11 *be conducted during the current fiscal year in accordance*
 12 *with the requirements referred to in subsection (a).*

13 *SEC. 504. (a) DEBARMENT.—The Legal Services Cor-*
 14 *poration may debar a recipient, on a showing of good cause,*
 15 *from receiving an additional award of financial assistance*
 16 *from the Corporation. Any such action to debar a recipient*
 17 *shall be instituted after the Corporation provides notice and*
 18 *an opportunity for a hearing to the recipient.*

19 *(b) REGULATIONS.—The Legal Services Corporation*
 20 *shall promulgate regulations to implement this section.*

21 *(c) GOOD CAUSE.—In this section, the term “good*
 22 *cause”, used with respect to debarment, includes—*

23 *(1) prior termination of the financial assistance*
 24 *of the recipient, under part 1640 of title 45, Code of*

1 *Federal Regulations (or any similar corresponding*
2 *regulation or ruling);*

3 *(2) prior termination in whole, under part 1606*
4 *of title 45, Code of Federal Regulations (or any simi-*
5 *lar corresponding regulation or ruling), of the most*
6 *recent financial assistance received by the recipient,*
7 *prior to date of the debarment decision;*

8 *(3) substantial violation by the recipient of the*
9 *statutory or regulatory restrictions that prohibit re-*
10 *cipients from using financial assistance made avail-*
11 *able by the Legal Services Corporation or other finan-*
12 *cial assistance for purposes prohibited under the*
13 *Legal Services Corporation Act (42 U.S.C. 2996 et*
14 *seq.) or for involvement in any activity prohibited by,*
15 *or inconsistent with, section 504 of Public Law 104–*
16 *134 (110 Stat. 1321–53 et seq.), section 502(a)(2) of*
17 *Public Law 104–208 (110 Stat. 3009–59 et seq.), or*
18 *section 502(a)(2) of this Act;*

19 *(4) knowing entry by the recipient into a*
20 *subgrant, subcontract, or other agreement with an en-*
21 *tity that had been debarred by the Corporation; or*

22 *(5) the filing of a lawsuit by the recipient, on be-*
23 *half of the recipient, as part of any program receiving*
24 *any Federal funds, naming the Corporation, or any*

1 *agency or employee of a Federal, State, or local gov-*
2 *ernment, as a defendant.*

3 *MARINE MAMMAL COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the Marine Mammal Com-*
6 *mission as authorized by title II of Public Law 92-522,*
7 *as amended, \$1,240,000.*

8 *COMMISSION ON OCEAN POLICY*

9 *SALARIES AND EXPENSES*

10 *For the necessary expenses of the Commission on*
11 *Ocean Policy, pursuant to S. 1213 as passed by the Senate*
12 *in November 1996, \$3,500,000, to remain available until*
13 *expended: Provided, That the Commission shall present to*
14 *the Congress with 18 months its recommendations for a na-*
15 *tional ocean policy.*

16 *SECURITIES AND EXCHANGE COMMISSION*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses for the Securities and Exchange*
19 *Commission, including services as authorized by 5 U.S.C.*
20 *3109, the rental of space (to include multiple year leases)*
21 *in the District of Columbia and elsewhere, and not to exceed*
22 *\$3,000 for official reception and representation expenses,*
23 *\$341,098,000, of which not to exceed \$10,000 may be used*
24 *toward funding a permanent secretariat for the Inter-*
25 *national Organization of Securities Commissions, and of*

1 *which not to exceed \$100,000 shall be available for expenses*
2 *for consultations and meetings hosted by the Commission*
3 *with foreign governmental and other regulatory officials,*
4 *members of their delegations, appropriate representatives*
5 *and staff to exchange views concerning developments relat-*
6 *ing to securities matters, development and implementation*
7 *of cooperation agreements concerning securities matters and*
8 *provision of technical assistance for the development of for-*
9 *ign securities markets, such expenses to include necessary*
10 *logistic and administrative expenses and the expenses of*
11 *Commission staff and foreign invitees in attendance at such*
12 *consultations and meetings including: (1) such incidental*
13 *expenses as meals taken in the course of such attendance,*
14 *(2) any travel and transportation to or from such meetings,*
15 *and (3) any other related lodging or subsistence: Provided,*
16 *That fees and charges authorized by sections 6(b)(4) of the*
17 *Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of*
18 *the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d))*
19 *and collected in fiscal year 1999 shall be credited to this*
20 *account as offsetting collections: Provided further, That not*
21 *to exceed \$341,098,000 of such offsetting collections shall be*
22 *available until expended for necessary expenses of this ac-*
23 *count: Provided further, That the total amount appro-*
24 *riated from the General Fund for fiscal year 1999 under*
25 *this heading shall be reduced as all such offsetting fees are*

1 *deposited to this appropriation so as to result in no fiscal*
2 *year 1999 appropriation from the General Fund.*

3 *SMALL BUSINESS ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses, not otherwise provided for, of*
6 *the Small Business Administration as authorized by Public*
7 *Law 103–403, including hire of passenger motor vehicles*
8 *as authorized by 31 U.S.C. 1343 and 1344, and not to ex-*
9 *ceed \$3,500 for official reception and representation ex-*
10 *penses, \$265,000,000: Provided, That the Administrator is*
11 *authorized to charge fees to cover the cost of publications*
12 *developed by the Small Business Administration, and cer-*
13 *tain loan servicing activities: Provided further, That, not-*
14 *withstanding 31 U.S.C. 3302, revenues received from all*
15 *such activities shall be credited to this account, to be avail-*
16 *able for carrying out these purposes without further appro-*
17 *priations: Provided further, That \$85,000,000 shall be*
18 *available to fund grants for performance in fiscal year 1999*
19 *or fiscal year 2000 as authorized by section 21 of the Small*
20 *Business Act, as amended.*

21 *OFFICE OF INSPECTOR GENERAL*

22 *For necessary expenses of the Office of Inspector Gen-*
23 *eral in carrying out the provisions of the Inspector General*
24 *Act of 1978, as amended (5 U.S.C. App. 1–11, as amended*
25 *by Public Law 100–504), \$10,500,000.*

1 *BUSINESS LOANS PROGRAM ACCOUNT*

2 *For the cost of direct loans, \$3,816,000, and the cost*
3 *of guaranteed loans, \$143,000,000, as authorized by 15*
4 *U.S.C. 631 note: Provided, That such costs, including the*
5 *cost of modifying such loans, shall be as defined in section*
6 *502 of the Congressional Budget Act of 1974: Provided fur-*
7 *ther, That of the funds previously made available under*
8 *Public Law 105-135, section 507(g), for the Delta Loan*
9 *program, up to \$20,000,000 may be transferred to and*
10 *merged with the appropriations for salaries and expenses:*
11 *Provided further, That during fiscal year 1999, commit-*
12 *ments to guarantee loans under section 503 of the Small*
13 *Business Investment Act of 1958, as amended, shall not ex-*
14 *ceed the amount of financings authorized under section*
15 *20(d)(1)(B)(ii) of the Small Business Act, as amended: Pro-*
16 *vided further, That during fiscal year 1999, commitments*
17 *for general business loans authorized under section 7(a) of*
18 *the Small Business Act, as amended, shall not exceed*
19 *\$10,000,000,000 without prior notification of the Commit-*
20 *tees on Appropriations of the House of Representatives and*
21 *Senate in accordance with section 605 of this Act.*

22 *In addition, for administrative expenses to carry out*
23 *the direct and guaranteed loan programs, \$94,000,000,*
24 *which may be transferred to and merged with the appro-*
25 *priations for Salaries and Expenses.*

1 *DISASTER LOANS PROGRAM ACCOUNT*

2 *For administrative expenses to carry out the direct*
3 *loan program, \$94,000,000, including not to exceed*
4 *\$500,000 for the Office of Inspector General of the Small*
5 *Business Administration for audits and reviews of disaster*
6 *loans and the disaster loan program, and said sums shall*
7 *be transferred to and merged with appropriations for the*
8 *Office of Inspector General.*

9 *SURETY BOND GUARANTEES REVOLVING FUND*

10 *For additional capital for the “Surety Bond Guarantees*
11 *Revolving Fund”, authorized by the Small Business In-*
12 *vestment Act, as amended, \$3,300,000, to remain available*
13 *without fiscal year limitation as authorized by 15 U.S.C.*
14 *631 note.*

15 *ADMINISTRATIVE PROVISION—SMALL BUSINESS*16 *ADMINISTRATION*

17 *Not to exceed 5 percent of any appropriation made*
18 *available for the current fiscal year for the Small Business*
19 *Administration in this Act may be transferred between such*
20 *appropriations, but no such appropriation shall be in-*
21 *creased by more than 10 percent by any such transfers: Pro-*
22 *vided, That any transfer pursuant to this paragraph shall*
23 *be treated as a reprogramming of funds under section 605*
24 *of this Act and shall not be available for obligation or ex-*
25 *penditure except in compliance with the procedures set forth*
26 *in that section.*

1 *STATE JUSTICE INSTITUTE*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the State Justice Institute,*
4 *as authorized by the State Justice Institute Authorization*
5 *Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)),*
6 *\$6,850,000, to remain available until expended: Provided,*
7 *That not to exceed \$2,500 shall be available for official re-*
8 *ception and representation expenses.*

9 *TITLE VI—GENERAL PROVISIONS*

10 *SEC. 601. No part of any appropriation contained in*
11 *this Act shall be used for publicity or propaganda purposes*
12 *not authorized by the Congress.*

13 *SEC. 602. No part of any appropriation contained in*
14 *this Act shall remain available for obligation beyond the*
15 *current fiscal year unless expressly so provided herein.*

16 *SEC. 603. The expenditure of any appropriation under*
17 *this Act for any consulting service through procurement*
18 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*
19 *those contracts where such expenditures are a matter of pub-*
20 *lic record and available for public inspection, except where*
21 *otherwise provided under existing law, or under existing*
22 *Executive order issued pursuant to existing law.*

23 *SEC. 604. If any provision of this Act or the applica-*
24 *tion of such provision to any person or circumstances shall*
25 *be held invalid, the remainder of the Act and the applica-*

1 tion of each provision to persons or circumstances other
2 than those as to which it is held invalid shall not be affected
3 thereby.

4 SEC. 605. (a) None of the funds provided under this
5 Act, or provided under previous appropriations Acts to the
6 agencies funded by this Act that remain available for obli-
7 gation or expenditure in fiscal year 1999, or provided from
8 any accounts in the Treasury of the United States derived
9 by the collection of fees available to the agencies funded by
10 this Act, shall be available for obligation or expenditure
11 through a reprogramming of funds which: (1) creates new
12 programs; (2) eliminates a program, project, or activity;
13 (3) increases funds or personnel by any means for any
14 project or activity for which funds have been denied or re-
15 stricted; (4) relocates an office or employees; (5) reorganizes
16 offices, programs, or activities; or (6) contracts out or
17 privatizes any functions, or activities presently performed
18 by Federal employees; unless the Appropriations Commit-
19 tees of both Houses of Congress are notified fifteen days in
20 advance of such reprogramming of funds.

21 (b) None of the funds provided under this Act, or pro-
22 vided under previous appropriations Acts to the agencies
23 funded by this Act that remain available for obligation or
24 expenditure in fiscal year 1999, or provided from any ac-
25 counts in the Treasury of the United States derived by the

1 collection of fees available to the agencies funded by this
2 Act, shall be available for obligation or expenditure for ac-
3 tivities, programs, or projects through a reprogramming of
4 funds in excess of \$1,000,000 or 20 percent, whichever is
5 more, that: (1) augments existing programs, projects, or ac-
6 tivities; (2) reduces by 20 percent funding for any existing
7 program, project, or activity, or numbers of personnel by
8 20 percent as approved by Congress; or (3) results from any
9 general savings from a reduction in personnel which would
10 result in a change in existing programs, activities, or
11 projects as approved by Congress; unless the Appropriations
12 Committees of both Houses of Congress are notified fifteen
13 days in advance of such reprogramming of funds.

14 SEC. 606. None of the funds made available in this
15 Act may be used for the construction, repair (other than
16 emergency repair), overhaul, conversion, or modernization
17 of vessels for the National Oceanic and Atmospheric Admin-
18 istration in shipyards located outside of the United States.

19 SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIP-
20 MENT AND PRODUCTS.—It is the sense of the Congress that,
21 to the greatest extent practicable, all equipment and prod-
22 ucts purchased with funds made available in this Act should
23 be American-made.

24 (b) NOTICE REQUIREMENT.—In providing financial
25 assistance to, or entering into any contract with, any entity

1 *using funds made available in this Act, the head of each*
2 *Federal agency, to the greatest extent practicable, shall pro-*
3 *vide to such entity a notice describing the statement made*
4 *in subsection (a) by the Congress.*

5 (c) *PROHIBITION OF CONTRACTS WITH PERSONS*
6 *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—*
7 *If it has been finally determined by a court or Federal agen-*
8 *cy that any person intentionally affixed a label bearing a*
9 *“Made in America” inscription, or any inscription with*
10 *the same meaning, to any product sold in or shipped to*
11 *the United States that is not made in the United States,*
12 *the person shall be ineligible to receive any contract or sub-*
13 *contract made with funds made available in this Act, pur-*
14 *suant to the debarment, suspension, and ineligibility proce-*
15 *dures described in sections 9.400 through 9.409 of title 48,*
16 *Code of Federal Regulations.*

17 SEC. 608. *None of the funds made available in this*
18 *Act may be used to implement, administer, or enforce any*
19 *guidelines of the Equal Employment Opportunity Commis-*
20 *sion covering harassment based on religion, when it is made*
21 *known to the Federal entity or official to which such funds*
22 *are made available that such guidelines do not differ in any*
23 *respect from the proposed guidelines published by the Com-*
24 *mission on October 1, 1993 (58 Fed. Reg. 51266).*

1 *SEC. 609. None of the funds made available in this*
2 *Act shall be used to provide the following amenities or per-*
3 *sonal comforts in the Federal prison system—*

4 *(1) in-cell television viewing except for prisoners*
5 *who are segregated from the general prison popu-*
6 *lation for their own safety;*

7 *(2) the viewing of R, X, and NC-17 rated mov-*
8 *ies, through whatever medium presented;*

9 *(3) any instruction (live or through broadcasts)*
10 *or training equipment for boxing, wrestling, judo, ka-*
11 *rate, or other martial art, or any bodybuilding or*
12 *weightlifting equipment of any sort;*

13 *(4) possession of in-cell coffee pots, hot plates or*
14 *heating elements; or*

15 *(5) the use or possession of any electric or elec-*
16 *tronic musical instrument.*

17 *SEC. 610. Any costs incurred by a Department or*
18 *agency funded under this Act resulting from personnel ac-*
19 *tions taken in response to funding reductions included in*
20 *this Act shall be absorbed within the total budgetary re-*
21 *sources available to such Department or agency: Provided,*
22 *That the authority to transfer funds between appropriations*
23 *accounts as may be necessary to carry out this section is*
24 *provided in addition to authorities included elsewhere in*
25 *this Act: Provided further, That use of funds to carry out*

1 *this section shall be treated as a reprogramming of funds*
2 *under section 605 of this Act and shall not be available for*
3 *obligation or expenditure except in compliance with the*
4 *procedures set forth in that section.*

5 *SEC. 611. None of the funds made available in this*
6 *Act to the Federal Bureau of Prisons may be used to distrib-*
7 *ute or make available any commercially published informa-*
8 *tion or material to a prisoner when it is made known to*
9 *the Federal official having authority to obligate or expend*
10 *such funds that such information or material is sexually*
11 *explicit or features nudity.*

12 *SEC. 612. Of the funds appropriated in this Act under*
13 *the heading “OFFICE OF JUSTICE PROGRAMS—STATE AND*
14 *LOCAL LAW ENFORCEMENT ASSISTANCE”, not more than 90*
15 *percent of the amount to be awarded to an entity under*
16 *the Local Law Enforcement Block Grant shall be made*
17 *available to such an entity when it is made known to the*
18 *Federal official having authority to obligate or expend such*
19 *funds that the entity that employs a public safety officer*
20 *(as such term is defined in section 1204 of title I of the*
21 *Omnibus Crime Control and Safe Streets Act of 1968) does*
22 *not provide such a public safety officer who retires or is*
23 *separated from service due to injury suffered as the direct*
24 *and proximate result of a personal injury sustained in the*
25 *line of duty while responding to an emergency situation*

1 *or a hot pursuit (as such terms are defined by State law)*
2 *with the same or better level of health insurance benefits*
3 *at the time of retirement or separation as they received*
4 *while on duty.*

5 *SEC. 613. (a) None of the funds appropriated or other-*
6 *wise made available in this Act shall be used to issue visas*
7 *to any person who—*

8 *(1) has been credibly alleged to have ordered,*
9 *carried out, or materially assisted in the extrajudicial*
10 *and political killings of Antoine Izmery, Guy Malary,*
11 *Father Jean-Marie Vincent, Pastor Antoine Leroy,*
12 *Jacques Fleurival, Mireille Durocher Bertin, Eugene*
13 *Baillergeau, Michelange Hermann, Max Mayard,*
14 *Romulus Dumarsais, Claude Yves Marie, Mario*
15 *Beaubrun, Leslie Grimar, Joseph Chilove, Michel*
16 *Gonzalez, and Jean-Hubert Feuille;*

17 *(2) has been included in the list presented to*
18 *former President Jean-Bertrand Aristide by former*
19 *National Security Council Advisor Anthony Lake in*
20 *December 1995, and acted upon by President Rene*
21 *Preval;*

22 *(3) was sought for an interview by the Federal*
23 *Bureau of Investigation as part of its inquiry into*
24 *the March 28, 1995, murder of Mireille Durocher*
25 *Bertin and Eugene Baillergeau, Jr., and was credibly*

1 *alleged to have ordered, carried out, or materially as-*
 2 *sisted in those murders, per a June 28, 1995, letter*
 3 *to the then Minister of Justice of the Government of*
 4 *Haiti, Jean-Joseph Exume;*

5 *(4) was a member of the Haitian High Com-*
 6 *mand during the period 1991 through 1994, and has*
 7 *been credibly alleged to have planned, ordered, or par-*
 8 *ticipated with members of the Haitian Armed Forces*
 9 *in—*

10 *(A) the September 1991 coup against any*
 11 *person who was a duly elected government offi-*
 12 *cial of Haiti (or a member of the family of such*
 13 *official), or*

14 *(B) the murders of thousands of Haitians*
 15 *during the period 1991 through 1994; or*

16 *(5) has been credibly alleged to have been a*
 17 *member of the paramilitary organization known as*
 18 *FRAPH who planned, ordered, or participated in*
 19 *acts of violence against the Haitian people.*

20 *(b) EXEMPTION.—Subsection (a) shall not apply if the*
 21 *Secretary of State finds, on a case-by-case basis, that the*
 22 *entry into the United States of a person who would other-*
 23 *wise be excluded under this section is necessary for medical*
 24 *reasons or such person has cooperated fully with the inves-*
 25 *tigation of these political murders. If the Secretary of State*

1 *exempts any such person, the Secretary shall notify the ap-*
2 *propriate congressional committees in writing.*

3 (c) *REPORTING REQUIREMENT.*—(1) *The United*
4 *States chief of mission in Haiti shall provide the Secretary*
5 *of State a list of those who have been credibly alleged to*
6 *have ordered or carried out the extrajudicial and political*
7 *killings mentioned in paragraph (1) of subsection (a).*

8 (2) *The Secretary of State shall submit the list pro-*
9 *vided under paragraph (1) to the appropriate congressional*
10 *committees not later than 3 months after the date of enact-*
11 *ment of this Act.*

12 (3) *The Secretary of State shall submit to the appro-*
13 *priate congressional committees a list of aliens denied visas,*
14 *and the Attorney General shall submit to the appropriate*
15 *congressional committees a list of aliens refused entry to*
16 *the United States as a result of this provision.*

17 (4) *The Secretary of State shall submit a report under*
18 *this subsection not later than 6 months after the date of*
19 *enactment of this Act and not later than March 1 of each*
20 *year thereafter as long as the Government of Haiti has not*
21 *completed the investigation of the extrajudicial and politi-*
22 *cal killings and has not prosecuted those implicated for the*
23 *killings specified in paragraph (1) of subsection (a).*

24 (d) *DEFINITION.*—*In this section, the term “appro-*
25 *priate congressional committees” means the Committee on*

1 *International Relations and the Committee on Appropria-*
2 *tions of the House of Representatives and the Committee*
3 *on Foreign Relations and the Committee on Appropriations*
4 *of the Senate.*

5 SEC. 614. (a) *None of the funds made available in this*
6 *Act or any other Act hereafter enacted may be used to issue*
7 *or renew a fishing permit or authorization for any fishing*
8 *vessel of the United States greater than 165 feet in reg-*
9 *istered length, of more than 750 gross registered tons, or*
10 *that has an engine or engines capable of producing more*
11 *than 3,000 shaft horsepower that would allow such vessel*
12 *to engage in fishing in any fishery within the exclusive eco-*
13 *nomie zone of the United States (except territories), unless*
14 *a certificate of documentation had been issued for the vessel,*
15 *endorsed with a fishery endorsement that was effective on*
16 *September 25, 1997, and endorsed with a fishery endorse-*
17 *ment at all times thereafter, or unless the appropriate re-*
18 *gional fishery management council recommends after the*
19 *date the enactment of this Act, and the Secretary approves,*
20 *a fishery management plan or amendment that specifically*
21 *allows such a vessel to engage in such fishing.*

22 (b) *Any fishing permit or authorization issued or re-*
23 *newed prior to the date of the enactment of this Act for*
24 *a fishing vessel that exceeds the length, tonnage, or horse-*
25 *power thresholds in subsection (a) that would allow such*

1 vessel to engage in fishing for any Atlantic mackerel or her-
 2 ring (or both) in the waters off the east coast of the United
 3 States during fiscal year 1999 shall be null and void unless
 4 the appropriate regional fishery management council has
 5 recommended and the Secretary has approved a fishery
 6 management plan or plan amendment that specifically al-
 7 lows such vessel to engage in such fishing.

8 (c) The prohibition in this section shall not apply to
 9 fishing vessels in the menhaden fishery, which occurs pri-
 10 marily outside the exclusive economic zone of the United
 11 States.

12 SEC. 615. None of the funds made available in this
 13 Act may be used to pay the expenses of an election officer
 14 appointed by a court to oversee an election of any officer
 15 or trustee for the International Brotherhood of Teamsters.

16 SEC. 616. (a) IN GENERAL.—Section 1303 of the Inter-
 17 national Security and Development Corporation Act of
 18 1985 (16 U.S.C. 469j) is amended—

19 (1) in subsection (d)(1)—

20 (A) by striking “21” and inserting “15”;

21 and

22 (B) by striking “7” each place it appears
 23 and inserting “5”; and

24 (2) in subsection (e), by striking “three” and in-
 25 serting “six”.

1 (b) *SAVINGS PROVISION.*—*The enactment of the*
 2 *amendments made by paragraph (1) of subsection (a) shall*
 3 *not require any person appointed as a member of the Com-*
 4 *mission for the Preservation of America’s Heritage Abroad*
 5 *before the date of enactment of this Act to terminate his*
 6 *or her service prior to the expiration of his or her current*
 7 *term of service.*

8 *SEC. 617. JAPAN-UNITED STATES FRIENDSHIP COM-*
 9 *MISSION. (a) RELIEF FROM RESTRICTION OF INTER-*
 10 *CHANGEABILITY OF FUNDS.*—*Section 6(4) of the Japan-*
 11 *United States Friendship Act (22 U.S.C. 2905(4)) is*
 12 *amended by striking “needed, except” and all that follows*
 13 *through “United States” and inserting “needed”.*

14 (b) *The second sentence of section 7(b) of the Japan-*
 15 *United States Friendship Act (22 U.S.C. 2906(b)) is*
 16 *amended to read as follows: “Such investment may be made*
 17 *in only interest-bearing obligations of the United States,*
 18 *in obligations guaranteed as to both principal and interest*
 19 *by the United States, in interest-bearing obligations of*
 20 *Japan, or in obligations guaranteed as to both principal*
 21 *and interest by Japan.”.*

22 *SEC. 618. STUDY ON INTERNET ACCESS AND COMMU-*
 23 *NICATIONS AND THE TAXATION OF THE INTERNET. (a)*
 24 *DEFINITIONS.*—*In this section:*

1 (1) *INTERNET*.—The term “Internet” has the
2 meaning provided that term in section 230(e)(1) of
3 the Communications Act of 1934 (47 U.S.C.
4 230(e)(1)).

5 (2) *SECRETARY*.—The term “Secretary” means
6 the Secretary of Commerce.

7 (b) *STUDY AND REPORT*.—

8 (1) *IN GENERAL*.—Not later than March 1, 1999,
9 the Secretary, in consultation with the Secretary of
10 State and the Secretary of the Treasury, shall conduct
11 a study under this section and submit to the Commit-
12 tee on Appropriations a report on the results of the
13 study.

14 (2) *CONTENTS OF STUDY*.—The study conducted
15 by the Secretary under this section shall examine—

16 (A) the taxation of the Internet by States
17 and political subdivisions thereof;

18 (B) access to the Internet; and

19 (C) communications and transactions con-
20 ducted through the Internet.

21 (3) *EFFECTS OF TAXATION*.—With respect to the
22 taxation of the Internet, the study conducted by the
23 Secretary under this section shall examine the extent
24 to which—

1 (A) that taxation may impede the progress
2 and development of the Internet; and

3 (B) the effect that taxation may have with
4 respect to the efforts of the President to keep the
5 Internet free of discriminatory taxes on an inter-
6 national level.

7 SEC. 619. (a) PURPOSE.—The purpose of this section
8 is to allow for the investment of joint Federal and State
9 funds from the civil settlement of damages from the Exxon
10 Valdez oil spill.

11 (b) INVESTMENT OF JOINT TRUST FUNDS.—Notwith-
12 standing any other provision of law, upon the joint motion
13 of the United States and the State of Alaska and the
14 issuance of an appropriate order by the United States Dis-
15 trict Court for the District of Alaska, the joint trust funds
16 or any portion thereof, including any interest accrued
17 thereon, previously received or to be received by the United
18 States and the State of Alaska pursuant to the Agreement
19 and Consent Decree issued in *United States v. Exxon Cor-*
20 *poration, et al.* (No. A91–082 CIV) and *State of Alaska v.*
21 *Exxon Corporation, et al.* (No. A91–083 CIV) (hereafter re-
22 ferred to as the “Consent Decree”), may be deposited in ap-
23 propriate accounts outside the Court Registry, including the
24 Natural Resource Damage Assessment and Restoration
25 Fund (hereafter referred to as the “Fund”) established in

1 *title I of the Department of the Interior and Related Agen-*
2 *cies Appropriations Act, 1992 (Public Law 102–154, 43*
3 *U.S.C. 1474b) and such accounts outside the United States*
4 *Treasury consisting of income-producing obligations and*
5 *other instruments or securities of a type or class that have*
6 *been determined unanimously by the Federal and State nat-*
7 *ural resource trustees for the Exxon Valdez oil spill to have*
8 *a high degree of reliability and security: Provided, That*
9 *any joint trust funds in the Fund and any such outside*
10 *accounts that have been approved unanimously by the trust-*
11 *ees for expenditure by or through a State or Federal agency*
12 *shall be transferred promptly from the Fund and such out-*
13 *side accounts to the State or United States upon the joint*
14 *request of the governments: Provided further, That the*
15 *transfer of joint trust funds outside the Court Registry shall*
16 *not affect the supervisory jurisdiction of such District Court*
17 *under the Consent Decree or the Memorandum of Agreement*
18 *and Consent Decree in United States v. State of Alaska (No.*
19 *A91–081–CIV) over all expenditures of the joint trust funds:*
20 *Provided further, That nothing herein shall affect the re-*
21 *quirement of section 207 of the Dire Emergency Supple-*
22 *mental Appropriations and Transfers for Relief From the*
23 *Effects of Natural Disasters, for Other Urgent Needs, and*
24 *for the Incremental Cost of “Operation Desert Shield/Desert*
25 *Storm” Act of 1992 (Public Law 102–229, 42 U.S.C. 1474b*

1 *note) that amounts received by the United States and des-*
2 *ignated by the trustees for the expenditure by or through*
3 *a Federal agency must be deposited into the Fund: Provided*
4 *further, That any interest accrued under the authority in*
5 *this section may be used only for grants for marine research*
6 *and monitoring (including applied fisheries research) and*
7 *for community and economic restoration projects (including*
8 *projects proposed by the fishing industry and facilities):*
9 *Provided further, That the Federal trustees are hereby au-*
10 *thorized to administer such grants: Provided further, That*
11 *the authority provided in this section shall expire on Sep-*
12 *tember 30, 2002, unless by September 30, 2001 the trustees*
13 *have submitted to the Congress legislation to establish a*
14 *board to administer funds invested, interest received, and*
15 *grants awarded from such interest.*

16 *SEC. 620. None of the funds appropriated pursuant*
17 *to this Act or any other provision of law may be used for*
18 *(1) any system to implement 18 U.S.C. 922(t) that does*
19 *not require and result in the immediate destruction of all*
20 *information, in any form whatsoever, submitted by or on*
21 *behalf of any person who has been determined not to be pro-*
22 *hibited from owning a firearm; (2) the implementation of*
23 *any tax or fee in connection with the implementation of*
24 *18 U.S.C. 922(t): Provided, That any person aggrieved by*
25 *a violation of this provision may bring an action in the*

1 *Federal district court for the district in which the person*
2 *resides: Provided further, That any person who is successful*
3 *with respect to any such action shall receive damages, puni-*
4 *tive damages, and such other remedies as the court may*
5 *determine to be appropriate, including a reasonable attor-*
6 *ney's fee. The provisions of this section shall become effective*
7 *upon enactment of this Act.*

8 *SEC. 621. SENSE OF THE SENATE ON THE BUDGET*
9 *AND SOCIAL SECURITY. (a) FINDINGS.—The Senate finds*
10 *that—*

11 *(1) the Social Security system provides benefits*
12 *to 44,000,000 Americans, including 27,300,000 retir-*
13 *ees, over 4,500,000 people with disabilities, 3,800,000*
14 *surviving children and 8,400,000 surviving adults,*
15 *and is essential to the dignity and security of the Na-*
16 *tion's elderly and disabled;*

17 *(2) the Trustees of the Federal Old-Age and Sur-*
18 *vivors Insurance and Disability Insurance Trust*
19 *Funds have reported to the Congress that the “total*
20 *income” of the Social Security system “is estimated*
21 *to fall short of expenditures beginning in 2021 and in*
22 *each year thereafter . . . until the assets of the com-*
23 *bined trust funds are exhausted in 2032”;*

24 *(3) intergenerational fairness, honest accounting*
25 *principles, prudent budgeting, and sound economic*

1 *policy all require saving Social Security first, in*
2 *order that the Nation may better afford the retirement*
3 *of the baby boom generation, beginning in 2010;*

4 *(4) in reforming Social Security in 1983, the*
5 *Congress intended that near-term Social Security*
6 *trust fund surpluses be used to prefund the retirement*
7 *of the baby boom generation;*

8 *(5) in his State of the Union message to the joint*
9 *session of Congress on January 27, 1998, President*
10 *Clinton called on the Congress to “save Social Secu-*
11 *rity first” and to “reserve one hundred percent of the*
12 *surplus, that is any penny of any surplus, until we*
13 *have taken all the necessary measures to strengthen*
14 *the Social Security system for the twenty-first cen-*
15 *tury”;*

16 *(6) saving Social Security first would work to*
17 *expand national savings, reduce interest rates, en-*
18 *hance private investment, increase labor productivity,*
19 *and boost economic growth;*

20 *(7) section 13301 of the Budget Enforcement Act*
21 *of 1990 expressly forbids counting Social Security*
22 *trust fund surpluses as revenue available to balance*
23 *the budget; and*

1 (8) *the Congressional Budget Office has esti-*
 2 *mated that the unified budget surplus will reach*
 3 *nearly \$1,500,000,000,000 over the next ten years.*

4 **(b) SENSE OF THE SENATE.**—*It is the sense of the Sen-*
 5 *ate that Congress and the President should—*

6 (1) *continue to rid our country of debt and work*
 7 *to balance the budget without counting Social Secu-*
 8 *rity trust fund surpluses;*

9 (2) *work in a bipartisan way on specific legisla-*
 10 *tion to reform the Social Security system, to ensure*
 11 *that it is financially sound over the long term and*
 12 *will be available for all future generations;*

13 (3) *save Social Security first; and*

14 (4) *return all remaining surpluses to American*
 15 *taxpayers.*

16 **SEC. 622. REPORT BY THE JUDICIAL CONFERENCE.**

17 (a) *Not later than September 1, 1999, the Judicial Con-*
 18 *ference of the United States shall prepare and submit to*
 19 *the Committees on Appropriations of the Senate and of the*
 20 *House of Representatives, and to the Committees on the Ju-*
 21 *diciary of the Senate and the House of Representatives, a*
 22 *report evaluating whether an amendment to Rule 6 of the*
 23 *Federal Rules of Criminal Procedure permitting the pres-*
 24 *ence in the grand jury room of counsel for a witness who*

1 *is testifying before the grand jury would further the inter-*
 2 *ests of justice and law enforcement.*

3 *(b) In preparing the report referred to in subsection*
 4 *(a) of this section the Judicial Conference shall consider the*
 5 *views of the Department of Justice, the organized Bar, the*
 6 *academic legal community, and other interested parties.*

7 *(c) Nothing in this section shall require the Judicial*
 8 *Conference to submit recommendations to the Congress in*
 9 *accordance with the Rules Enabling Act, nor prohibit the*
 10 *Conference from doing so.*

11 *SEC. 623. POLICIES RELATING TO FEDERALISM. It is*
 12 *the sense of the Senate that the President should repeal Ex-*
 13 *ecutive Order No. 13083, issued May 14, 1998 and should*
 14 *reissue Executive Order No. 12612, issued October 26, 1987,*
 15 *and Executive Order No. 12875, issued October 26, 1993.*

16 *SEC. 624. PROHIBITION ON INTERNET GAMBLING. (a)*
 17 *SHORT TITLE.—This section may be cited as the “Internet*
 18 *Gambling Prohibition Act of 1998”.*

19 *(b) DEFINITIONS.—Section 1081 of title 18, United*
 20 *States Code, is amended—*

21 *(1) in the matter immediately following the*
 22 *colon, by designating the first 5 undesignated para-*
 23 *graphs as paragraphs (1) through (5), respectively,*
 24 *and indenting each paragraph 2 ems to the right; and*

25 *(2) by adding at the end the following:*

1 “(6) *BETS OR WAGERS.*—*The term ‘bets or wa-*
2 *gers’—*

3 “(A) *means the staking or risking by any*
4 *person of something of value upon the outcome of*
5 *a contest of others, sporting event of others, or of*
6 *any game of chance, upon an agreement or un-*
7 *derstanding that the person or another person*
8 *will receive something of value based on that out-*
9 *come;*

10 “(B) *includes the purchase of a chance or*
11 *opportunity to win a lottery or other prize*
12 *(which opportunity to win is predominantly*
13 *subject to chance);*

14 “(C) *includes any scheme of a type de-*
15 *scribed in section 3702 of title 28, United States*
16 *Code; and*

17 “(D) *does not include—*

18 “(i) *a bona fide business transaction*
19 *governed by the securities laws (as that*
20 *term is defined in section 3(a)(47) of the*
21 *Securities Exchange Act of 1934 (15 U.S.C.*
22 *78c(a)(47))) for the purchase or sale at a*
23 *future date of securities (as that term is de-*
24 *finied in section 3(a)(10) of the Securities*

1 *Exchange Act of 1934 (15 U.S.C.*
2 *78c(a)(10))*);

3 “(ii) *a transaction on or subject to the*
4 *rules of a contract market designated pursu-*
5 *ant to section 5 of the Commodity Exchange*
6 *Act (7 U.S.C. 7)*;

7 “(iii) *a contract of indemnity or guar-*
8 *antee*;

9 “(iv) *a contract for life, health, or acci-*
10 *dent insurance; or*

11 “(v) *participation in a game or con-*
12 *test, otherwise lawful under applicable Fed-*
13 *eral or State law—*

14 “(I) *that, by its terms or rules, is*
15 *not dependent on the outcome of any*
16 *single sporting event, any series or*
17 *sporting events, any tournament, or*
18 *the individual performance of 1 or*
19 *more athletes or teams in a single*
20 *sporting event*;

21 “(II) *in which the outcome is de-*
22 *termined by accumulated statistical re-*
23 *sults of games or contests involving the*
24 *performances of amateur or profes-*
25 *sional athletes or teams; and*

1 “(III) in which the winner or
 2 winners may receive a prize or award;
 3 (otherwise know as a ‘fantasy sport league’
 4 or a ‘rotisserie league’) if such participation
 5 is without charge to the participant or any
 6 charge to a participant is limited to a rea-
 7 sonable administrative fee.

8 “(7) FOREIGN JURISDICTION.—The term ‘foreign
 9 jurisdiction’ means a jurisdiction of a foreign country
 10 or political subdivision thereof.

11 “(8) INFORMATION ASSISTING IN THE PLACING
 12 OF A BET OR WAGER.—The term ‘information assist-
 13 ing in the placing of a bet or wager’—

14 “(A) means information that is intended by
 15 the sender or recipient to be used by a person en-
 16 gaged in the business of betting or wagering to
 17 accept or place a bet or wager; and

18 “(B) does not include—

19 “(i) information concerning pari-
 20 mutuel pools that is exchanged between or
 21 among 1 or more racetracks or other pari-
 22 mutuel wagering facilities licensed by the
 23 State or approved by the foreign jurisdic-
 24 tion in which the facility is located, and 1
 25 or more parimutuel wagering facilities li-

1 *censed by the State or approved by the for-*
2 *foreign jurisdiction in which the facility is lo-*
3 *cated, if that information is used only to*
4 *conduct common pool parimutuel pooling*
5 *under applicable law;*

6 “(ii) *information exchanged between or*
7 *among 1 or more racetracks or other pari-*
8 *mutuel wagering facilities licensed by the*
9 *State or approved by the foreign jurisdic-*
10 *tion in which the facility is located, and a*
11 *support service located in another State or*
12 *foreign jurisdiction, if the information is*
13 *used only for processing bets or wagers*
14 *made with that facility under applicable*
15 *law;*

16 “(iii) *information exchanged between*
17 *or among 1 or more wagering facilities that*
18 *are located within a single State and are li-*
19 *censed and regulated by that State, and any*
20 *support service, wherever located, if the in-*
21 *formation is used only for the pooling or*
22 *processing of bets or wagers made by or*
23 *with the facility or facilities under applica-*
24 *ble State law;*

“(iv) any news reporting or analysis of wagering activity, including odds, racing or event results, race and event schedules, or categories of wagering; or

“(v) any posting or reporting of any educational information on how to make a bet or wager or the nature of betting or wagering.”.

(c) *PROHIBITION ON INTERNET GAMBLING.*—

(1) *IN GENERAL.*—Chapter 50 of title 18, United States Code, is amended by adding at the end the following:

“§ 1085. Internet gambling

“(a) *DEFINITIONS.*—In this section:

“(1) *CLOSED-LOOP SUBSCRIBER-BASED SERVICE.*—The term ‘closed-loop subscriber-based service’ means any information service or system that uses—

“(A) a device or combination of devices—

“(i) expressly authorized and operated in accordance with the laws of a State for the purposes described in subsection (e); and

“(ii) by which a person located within a State must subscribe to be authorized to place, receive, or otherwise make a bet or wager, and must be physically located with-

1 *in that State in order to be authorized to do*
2 *so;*

3 “(B) *a customer verification system to en-*
4 *sure that all applicable Federal and State legal*
5 *and regulatory requirements for lawful gambling*
6 *are met; and*

7 “(C) *appropriate data security standards to*
8 *prevent unauthorized access.*

9 “(2) *GAMBLING BUSINESS.—The term ‘gambling*
10 *business’ means a business that is conducted at a*
11 *gambling establishment, or that—*

12 “(A) *involves—*

13 “(i) *the placing, receiving, or otherwise*
14 *making of bets or wagers; or*

15 “(ii) *offers to engage in placing, receiv-*
16 *ing, or otherwise making bets or wagers;*

17 “(B) *involves 1 or more persons who con-*
18 *duct, finance, manage, supervise, direct, or own*
19 *all or part of such business; and*

20 “(C) *has been or remains in substantially*
21 *continuous operation for a period in excess of 10*
22 *days or has a gross revenue of \$2,000 or more*
23 *during any 24-hour period.*

24 “(3) *INTERACTIVE COMPUTER SERVICE.—The*
25 *term ‘interactive computer service’ means any infor-*

1 *mation service, system, or access software provider*
2 *that uses a public communication infrastructure or*
3 *operates in interstate or foreign commerce to provide*
4 *or enable computer access by multiple users to a com-*
5 *puter server, including specifically a service or system*
6 *that provides access to the Internet.*

7 “(4) *INTERNET*.—The term ‘Internet’ means the
8 *international computer network of both Federal and*
9 *non-Federal interoperable packet switched data net-*
10 *works.*

11 “(5) *PERSON*.—The term ‘person’ means any in-
12 *dividual, association, partnership, joint venture, cor-*
13 *poration, State or political subdivision thereof, de-*
14 *partment, agency, or instrumentality of a State or*
15 *political subdivision thereof, or any other government,*
16 *organization, or entity.*

17 “(6) *PRIVATE NETWORK*.—The term ‘private net-
18 *work’ means a communications channel or channels,*
19 *including voice or computer data transmission facili-*
20 *ties, that use either—*

21 “(A) *private dedicated lines; or*

22 “(B) *the public communications infrastruc-*
23 *ture, if the infrastructure is secured by means of*
24 *the appropriate private communications tech-*
25 *nology to prevent unauthorized access.*

1 “(7) *STATE*.—The term ‘State’ means a State of
2 the United States, the District of Columbia, the Com-
3 monwealth of Puerto Rico, or a commonwealth, terri-
4 tory, or possession of the United States.

5 “(b) *GAMBLING*.—

6 “(1) *PROHIBITION*.—Subject to subsection (e), it
7 shall be unlawful for a person knowingly to use the
8 Internet or any other interactive computer service—

9 “(A) to place, receive, or otherwise make a
10 bet or wager with any person; or

11 “(B) to send, receive, or invite information
12 assisting in the placing of a bet or wager with
13 the intent to send, receive, or invite information
14 assisting in the placing of a bet or wager.

15 “(2) *PENALTIES*.—A person who violates para-
16 graph (1) shall be—

17 “(A) fined in an amount that is not more
18 than the greater of—

19 “(i) three times the greater of—

20 “(I) the total amount that the per-
21 son is found to have wagered through
22 the Internet or other interactive com-
23 puter service; or

1 “(II) the total amount that the
2 person is found to have received as a
3 result of such wagering; or

4 “(ii) \$500;

5 “(B) imprisoned not more than 3 months;

6 or

7 “(C) both.

8 “(c) GAMBLING BUSINESSES.—

9 “(1) PROHIBITION.—Subject to subsection (e), it
10 shall be unlawful for a person engaged in a gambling
11 business knowingly to use the Internet or any other
12 interactive computer service—

13 “(A) to place, receive, or otherwise make a
14 bet or wager; or

15 “(B) to send, receive, or invite information
16 assisting in the placing of a bet or wager.

17 “(2) PENALTIES.—A person engaged in a gam-
18 bling business who violates paragraph (1) shall be—

19 “(A) fined in an amount that is not more
20 than the greater of—

21 “(i) the amount that such person re-
22 ceived in bets or wagers as a result of en-
23 gaging in that business in violation of this
24 subsection; or

25 “(ii) \$20,000;

1 “(B) imprisoned not more than 4 years; or

2 “(C) both.

3 “(d) *PERMANENT INJUNCTIONS*.—Upon conviction of
4 a person under this section, the court may, as an additional
5 penalty, enter a permanent injunction enjoining the trans-
6 mission of bets or wagers or information assisting in the
7 placing of a bet or wager.

8 “(e) *EXCEPTIONS*.—

9 “(1) *IN GENERAL*.—Subject to paragraph (2), the
10 prohibitions in this section shall not apply to any—

11 “(A) otherwise lawful bet or wager that is
12 placed, received, or otherwise made wholly intra-
13 state for a State lottery or a racing or pari-
14 mutuel activity, or a multi-State lottery oper-
15 ated jointly between 2 or more States in conjunc-
16 tion with State lotteries, (if the lottery or activ-
17 ity is expressly authorized, and licensed or regu-
18 lated, under applicable Federal or State law)
19 on—

20 “(i) an interactive computer service
21 that uses a private network, if each person
22 placing or otherwise making that bet or
23 wager is physically located at a facility
24 that is open to the general public; or

1 “(ii) a closed-loop subscriber-based
2 service that is wholly intrastate; or

3 “(B) otherwise lawful bet or wager for class
4 II or class III gaming (as defined in section 4
5 of the Indian Gaming Regulatory Act (25 U.S.C.
6 2703)) that is placed, received, or otherwise
7 made on a closed-loop subscriber-based service or
8 an interactive computer service that uses a pri-
9 vate network, if—

10 “(i) each person placing, receiving, or
11 otherwise making that bet or wager is phys-
12 ically located on Indian land; and

13 “(ii) all games that constitute class III
14 gaming are conducted in accordance with
15 an applicable Tribal-State compact entered
16 into under section 11(d) of the Indian Gam-
17 ing Regulatory Act (25 U.S.C. 2701(d)) by
18 a State in which each person placing, re-
19 ceiving, or otherwise making that bet or
20 wager is physically located.

21 “(2) *INAPPLICABILITY OF EXCEPTION TO BETS*
22 *OR WAGERS MADE BY AGENTS OR PROXIES.*—An ex-
23 ception under subparagraph (A) or (B) of paragraph
24 (1) shall not apply in any case in which a bet or
25 wager is placed, received, or otherwise made by the

1 *use of an agent or proxy using the Internet or an*
 2 *interactive computer service. Nothing in this para-*
 3 *graph shall be construed to prohibit the owner opera-*
 4 *tor of a parimutuel wagering facility that is licensed*
 5 *by a State from employing an agent in the operation*
 6 *of the account wagering system owned or operated by*
 7 *the parimutuel facility.*

8 *“(f) STATE LAW.—Nothing in this section shall be con-*
 9 *strued to create immunity from criminal prosecution or*
 10 *civil liability under the law of any State.”.*

11 *(2) TECHNICAL AMENDMENT.—The analysis for*
 12 *chapter 50 of title 18, United States Code, is amended*
 13 *by adding at the end the following:*

“1085. Internet gambling.”.

14 *(d) CIVIL REMEDIES.—*

15 *(1) IN GENERAL.—The district courts of the*
 16 *United States shall have original and exclusive juris-*
 17 *isdiction to prevent and restrain violations of section*
 18 *1085 of title 18, United States Code, as added by this*
 19 *section, by issuing appropriate orders.*

20 *(2) PROCEEDINGS.—*

21 *(A) INSTITUTION BY FEDERAL GOVERN-*
 22 *MENT.—The United States may institute pro-*
 23 *ceedings under this section. Upon application of*
 24 *the United States, the district court may enter a*
 25 *temporary restraining order or an injunction*

1 *against any person to prevent a violation of sec-*
2 *tion 1085 of title 18, United States Code, as*
3 *added by this section, if the court determines,*
4 *after notice and an opportunity for a hearing,*
5 *that there is a substantial probability that such*
6 *violation has occurred or will occur.*

7 *(B) INSTITUTION BY STATE ATTORNEY GEN-*
8 *ERAL.—*

9 *(i) IN GENERAL.—Subject to subclause*
10 *(ii), the attorney general of a State (or*
11 *other appropriate State official) in which a*
12 *violation of section 1085 of title 18, United*
13 *States Code, as added by this section, is al-*
14 *leged to have occurred, or may occur, after*
15 *providing written notice to the United*
16 *States, may institute proceedings under this*
17 *subsection. Upon application of the attorney*
18 *general (or other appropriate State official)*
19 *of the affected State, the district court may*
20 *enter a temporary restraining order or an*
21 *injunction against any person to prevent a*
22 *violation of section 1085 of title 18, United*
23 *States Code, as added by this section, if the*
24 *court determines, after notice and an oppor-*
25 *tunity for a hearing, that there is a sub-*

1 *stantial probability that such violation has*
2 *occurred or will occur.*

3 *(ii) INDIAN LANDS.—With respect to a*
4 *violation of section 1085 of title 18, United*
5 *States Code, as added by this section, that*
6 *is alleged to have occurred, or may occur,*
7 *on Indian lands (as defined in section 4 of*
8 *the Indian Gaming Regulatory Act (25*
9 *U.S.C. 2703)), the enforcement authority*
10 *under clause (i) shall be limited to the rem-*
11 *edies under the Indian Gaming Regulatory*
12 *Act (25 U.S.C. 2701 et seq.), including any*
13 *applicable Tribal-State compact negotiated*
14 *under section 11 of that Act (25 U.S.C.*
15 *2710).*

16 *(C) ORDERS AND INJUNCTIONS AGAINST*
17 *INTERNET SERVICE PROVIDERS.—Notwithstand-*
18 *ing subparagraph (A) or (B), the following rules*
19 *shall apply in any proceeding instituted under*
20 *this paragraph in which application is made for*
21 *a temporary restraining order or an injunction*
22 *against an interactive computer service:*

23 *(i) SCOPE OF RELIEF.—*

24 *(I) If the violation of section 1085*
25 *of title 18, United States Code, origi-*

1 *nates with a customer of the inter-*
2 *active computer service's system or net-*
3 *work, the court may require the service*
4 *to terminate the specified account or*
5 *accounts of the customer, or of any*
6 *readily identifiable successor in inter-*
7 *est, who is using such service to place,*
8 *receive or otherwise make a bet or*
9 *wager, engage in a gambling business,*
10 *or to initiate a transmission that vio-*
11 *lates such section 1085.*

12 *(II) Any other relief ordered by*
13 *the court shall be technically feasible*
14 *for the system or network in question*
15 *under current conditions, reasonably*
16 *effective in preventing a violation of*
17 *section 1085, of title 18, United States*
18 *Code, and shall not unreasonably*
19 *interfere with access to lawful material*
20 *at other online locations.*

21 *(III) No relief shall issue under*
22 *clause (i)(II) if the interactive com-*
23 *puter service demonstrates, after an op-*
24 *portunity to appear at a hearing, that*
25 *such relief is not economically reason-*

1 *able for the system or network in ques-*
2 *tion under current conditions.*

3 *(ii) CONSIDERATIONS.—In the case of*
4 *an application for relief under clause*
5 *(i)(II), the court shall consider, in addition*
6 *to all other factors that the court shall con-*
7 *sider in the exercise of its equitable discre-*
8 *tion, whether—*

9 *(I) such relief either singularly or*
10 *in combination with such other injunc-*
11 *tions issued against the same service*
12 *under this paragraph, would seriously*
13 *burden the operation of the service’s*
14 *system or network compared with other*
15 *comparably effective means of prevent-*
16 *ing violations of section 1085 of title*
17 *18, United States Code;*

18 *(II) in the case of an application*
19 *for a temporary restraining order or*
20 *an injunction to prevent a violation of*
21 *section 1085 of title 18, United States*
22 *Code, by a gambling business (as is de-*
23 *finied in such section 1085) located out-*
24 *side the United States, the relief is*
25 *more burdensome to the service than*

1 *taking comparably effective steps to*
2 *block access to specific, identified sites*
3 *used by the gambling business located*
4 *outside the United States; and*

5 *(III) in the case of an application*
6 *for a temporary restraining order or*
7 *an injunction to prevent a violation of*
8 *section 1085 of title 18, United States*
9 *Code, as added by this section, relating*
10 *to material or activity located within*
11 *the United States, whether less burden-*
12 *some, but comparably effective means*
13 *are available to block access by a cus-*
14 *tomers of the service's system or network*
15 *to information or activity that violates*
16 *such section 1085.*

17 *(iii) FINDINGS.—In any order issued*
18 *by the court under this paragraph, the court*
19 *shall set forth the reasons for its issuance,*
20 *shall be specific in its terms, and shall de-*
21 *scribe in reasonable detail, and not by ref-*
22 *erence to the complaint or other document,*
23 *the act or acts sought to be restrained and*
24 *the general steps to be taken to comply with*
25 *the order.*

1 (D) *EXPIRATION.*—Any temporary restrain-
2 ing order or preliminary injunction entered pur-
3 suant to this paragraph shall expire if, and as
4 soon as, the United States, or the attorney gen-
5 eral (or other appropriate State official) of the
6 State, as applicable, notifies the court that issued
7 the injunction that the United States or the
8 State, as applicable, will not seek a permanent
9 injunction.

10 (3) *EXPEDITED PROCEEDINGS.*—

11 (A) *IN GENERAL.*—In addition to proceed-
12 ings under paragraph (2), a district court may
13 enter a temporary restraining order against a
14 person alleged to be in violation of section 1085
15 of title 18, United States Code, as added by this
16 section, upon application of the United States
17 under paragraph (2)(A), or the attorney general
18 (or other appropriate State official) of an af-
19 fected State under paragraph (2)(B), without no-
20 tice and the opportunity for a hearing, if the
21 United States or the State, as applicable, dem-
22 onstrates that there is probable cause to believe
23 that the transmission at issue violates section
24 1085 of title 18, United States Code, as added by
25 this section.

1 (B) *EXPIRATION.*—A temporary restraining
2 order entered under this paragraph shall expire
3 on the earlier of—

4 (i) the expiration of the 30-day period
5 beginning on the date on which the order is
6 entered; or

7 (ii) the date on which a preliminary
8 injunction is granted or denied.

9 (C) *HEARINGS.*—A hearing requested con-
10 cerning an order entered under this paragraph
11 shall be held at the earliest practicable time.

12 (4) *RULE OF CONSTRUCTION.*—In the absence of
13 fraud or bad faith, no interactive computer service (as
14 defined in section 1085(a) of title 18, United States
15 Code, as added by this section) shall be liable for any
16 damages, penalty, or forfeiture, civil or criminal, for
17 a reasonable course of action taken to comply with a
18 court order issued under paragraph (2) or (3) of this
19 subsection.

20 (5) *PROTECTION OF PRIVACY.*—Nothing in this
21 section or the amendments made by this section shall
22 be construed to authorize an affirmative obligation on
23 an interactive computer service—

24 (A) to monitor use of its service; or

1 (B) *except as required by an order of a*
2 *court, to access, remove or disable access to mate-*
3 *rial where such material reveals conduct prohib-*
4 *ited by this section and the amendments made*
5 *by this section.*

6 (6) *NO EFFECT ON OTHER REMEDIES.—Nothing*
7 *in this subsection shall be construed to affect any*
8 *remedy under section 1084 or 1085 of title 18, United*
9 *States Code, as amended by this section, or under any*
10 *other Federal or State law. The availability of relief*
11 *under this subsection shall not depend on, or be af-*
12 *fecting by, the initiation or resolution of any action*
13 *under section 1084 or 1085 of title 18, United States*
14 *Code, as amended by this section, or under any other*
15 *Federal or State law.*

16 (7) *CONTINUOUS JURISDICTION.—The court shall*
17 *have continuous jurisdiction under this subsection to*
18 *enforce section 1085 of title 18, United States Code,*
19 *as added by this section.*

20 (e) *REPORT ON ENFORCEMENT.—Not later than 3*
21 *years after the date of enactment of this Act, the Attorney*
22 *General shall submit a report to Congress that includes—*

23 (1) *an analysis of the problems, if any, associ-*
24 *ated with enforcing section 1085 of title 18, United*
25 *States Code, as added by this section;*

1 (2) *recommendations for the best use of the re-*
2 *sources of the Department of Justice to enforce that*
3 *section; and*

4 (3) *an estimate of the amount of activity and*
5 *money being used to gamble on the Internet.*

6 (f) *REPORT ON COSTS.*—*Not later than 3 years after*
7 *the date of enactment of this Act, the Secretary of Commerce*
8 *shall submit a report to Congress that includes—*

9 (1) *an analysis of existing and potential methods*
10 *or technologies for filtering or screening transmissions*
11 *in violation of section 1085 of title 18, United States*
12 *Code, as added by this section, that originate outside*
13 *of the territorial boundaries of any State or the*
14 *United States;*

15 (2) *a review of the effect, if any, on interactive*
16 *computer services of any court ordered temporary re-*
17 *straining orders or injunctions imposed on those serv-*
18 *ices under this section;*

19 (3) *a calculation of the cost to the economy of il-*
20 *legal gambling on the Internet, and other societal*
21 *costs of such gambling; and*

22 (4) *an estimate of the effect, if any, on the Inter-*
23 *net caused by any court ordered temporary restrain-*
24 *ing orders or injunctions imposed under this section.*

1 (g) *SEVERABILITY*.—If any provision of this section,
2 an amendment made by this section, or the application of
3 such provision or amendment to any person or cir-
4 cumstance is held to be unconstitutional, the remainder of
5 this section, the amendments made by this section, and the
6 application of the provisions of such to any person or cir-
7 cumstance shall not be affected thereby.

8 *SEC. 625. SENSE OF THE SENATE REGARDING JA-*
9 *PAN'S RECESSION. (a) FINDINGS*.—Congress makes the fol-
10 *lowing findings:*

11 (1) *The United States and Japan share common*
12 *goals of peace, stability, democracy, and economic*
13 *prosperity in East and Southeast Asia and around*
14 *the world.*

15 (2) *Japan's economic and financial crisis rep-*
16 *resents a new challenge to United States-Japanese co-*
17 *operation to achieve these common goals and threat-*
18 *ens the economic stability of East and Southeast Asia*
19 *and the United States.*

20 (3) *A strong United States-Japanese alliance is*
21 *critical to stability in East and Southeast Asia.*

22 (4) *The importance of the United States-Japa-*
23 *nese alliance was reaffirmed by the President of the*
24 *United States and the Prime Minister of Japan in*
25 *the April 1996 Joint Security Declaration.*

1 (5) *United States-Japanese bilateral military co-*
2 *operation was enhanced with the revision of the*
3 *United States Guidelines for Defense Cooperation in*
4 *1997.*

5 (6) *The Japanese economy, the second largest in*
6 *the world and over 2 times larger than the economy*
7 *in the rest of East Asia, has been growing at a little*
8 *over 1 percent annually since 1991 and is currently*
9 *in a recession with some forecasts suggesting that it*
10 *will contract by 1.5 percent in 1998.*

11 (7) *The estimated \$574,000,000,000 of problem*
12 *loans in Japan's banking sector and other problems*
13 *associated with an unstable banking sector remain the*
14 *major roadblock to economic recovery in Japan.*

15 (8) *The recent weakness in the yen, following a*
16 *10 percent depreciation of the yen against the dollar*
17 *over the last 5 months and a 45 percent depreciation*
18 *since 1995, has placed competitive price pressures on*
19 *United States industries and workers and is putting*
20 *downward pressure on China and the rest of the*
21 *economies in East and Southeast Asia to begin an-*
22 *other round of competitive currency devaluations.*

23 (9) *Japan's current account surplus has in-*
24 *creased by 60 percent over the last 12 months from*

1 71,579,000,000 yen in 1996 to 114,357,000,000 yen
2 in 1997.

3 (10) A period of deflation in Japan would lead
4 to lower demand for United States products.

5 (11) The unnecessary and burdensome regulation
6 of the Japanese market constrains Japanese economic
7 growth and raises costs to business and consumers.

8 (12) Deregulating Japan's economy and spur-
9 ring economic growth would ultimately benefit the
10 Japanese people with a higher standard of living and
11 a more secure future.

12 (13) Japan's economic recession is slowing the
13 growth of the United States gross domestic product
14 and job creation in the United States.

15 (14) Japan has made significant efforts to re-
16 store economic growth with a 16,000,000,000,000 yen
17 stimulus package that includes 4,500,000,000,000 yen
18 in tax cuts and 11,500,000,000,000 yen in govern-
19 ment spending, a Total Plan to restore stability to the
20 private banking sector, and joint intervention with
21 the United States to strengthen the value of the yen
22 in international currency markets.

23 (15) The people of Japan expressed deep concern
24 about economic conditions and government leadership
25 in the Upper House elections held on July 12, 1998.

1 (16) *The Prime Minister of Japan tendered his*
2 *resignation on July 13, 1998, to take responsibility*
3 *for the Liberal Democratic Party's poor election re-*
4 *sults and to acknowledge the desire of the people of*
5 *Japan for new leadership to restore economic stabil-*
6 *ity.*

7 (17) *Japan's economic recession is having an ad-*
8 *verse effect on the economy of the United States and*
9 *is now seriously threatening the 9 years of unprece-*
10 *dent economic expansion in the United States.*

11 (18) *Japan's economic recession is having an ad-*
12 *verse effect on the recovery of the East and Southeast*
13 *Asian economies.*

14 (19) *The American people and the countries of*
15 *East and Southeast Asia are looking for a demonstra-*
16 *tion of Japanese leadership and close United States-*
17 *Japanese cooperation in resolving Japan's economic*
18 *crisis.*

19 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
20 *ate that—*

21 (1) *the President, the Secretary of the Treasury,*
22 *and the United States Trade Representative should*
23 *emphasize the importance of financial deregulation,*
24 *including banking reform, market deregulation, and*

1 *restructuring bad bank debt as fundamental to Ja-*
2 *pan's economic recovery; and*

3 *(2) the President, the Secretary of the Treasury,*
4 *the United States Trade Representative, the Secretary*
5 *of Commerce, and the Secretary of State should com-*
6 *municate to the Japanese Government that the first*
7 *priority of the new Prime Minister of Japan and his*
8 *Cabinet should be to restore economic growth in*
9 *Japan and promote stability in international finan-*
10 *cial markets.*

11 *SEC. 626. (a) Add the following at the end of section*
12 *1153(b)(5)(C) of title 8, United States Code:*

13 *“(iv) DEFINITION.—*

14 *“(I) As used in this subsection the*
15 *term ‘capital’ means cash, equipment,*
16 *inventory, other tangible property, and*
17 *cash equivalents, but shall not include*
18 *indebtedness. Nothing in this sub-*
19 *section shall be construed to exclude*
20 *documents, such as binding contracts,*
21 *as evidence that a petitioner is in the*
22 *process of investing capital as long as*
23 *the capital is not in the form of indebt-*
24 *edness with a payback period that ex-*
25 *ceeds 21 months.*

1 “(II) *Assets acquired, directly or*
2 *indirectly, by unlawful means (such as*
3 *criminal activities) shall not be consid-*
4 *ered capital for the purposes of this*
5 *subsection. A petitioner’s sworn dec-*
6 *laration concerning lawful sources of*
7 *capital shall constitute presumptive*
8 *proof of lawful sources for the purposes*
9 *of this subsection, although nothing*
10 *herein shall preclude further inquiry,*
11 *prior to approval of conditional lawful*
12 *permanent resident status.”.*

13 (b) *This section shall not apply to any application*
14 *filed prior to July 23, 1998.*

15 SEC. 627. (a) *REQUIREMENT.*—*Section 230 of the*
16 *Communications Act of 1934 (47 U.S.C. 230) is amended—*

17 (1) *by redesignating subsections (d) and (e) as*
18 *subsections (e) and (f), respectively; and*

19 (2) *by inserting after subsection (c) the following*
20 *new subsection (d):*

21 “(d) *OBLIGATIONS OF INTERNET ACCESS PROVID-*
22 *ERS.—*

23 “(1) *IN GENERAL.*—*An Internet access provider*
24 *shall, at the time of entering into an agreement with*
25 *a customer for the provision of Internet access serv-*

1 *ices, offer such customer (either for a fee or at no*
2 *charge) screening software that is designed to permit*
3 *the customer to limit access to material on the Inter-*
4 *net that is harmful to minors.*

5 *“(2) DEFINITIONS.—As used in this subsection:*

6 *“(A) INTERNET ACCESS PROVIDER.—The*
7 *term ‘Internet access provider’ means a person*
8 *engaged in the business of providing a computer*
9 *and communications facility through which a*
10 *customer may obtain access to the Internet, but*
11 *does not include a common carrier to the extent*
12 *that it provides only telecommunications serv-*
13 *ices.*

14 *“(B) INTERNET ACCESS SERVICES.—The*
15 *term ‘Internet access services’ means the provi-*
16 *sion of computer and communications services*
17 *through which a customer using a computer and*
18 *a modem or other communications device may*
19 *obtain access to the Internet, but does not include*
20 *telecommunications services provided by a com-*
21 *mon carrier.*

22 *“(C) SCREENING SOFTWARE.—The term*
23 *‘screening software’ means software that is de-*
24 *signed to permit a person to limit access to ma-*

1 *terial on the Internet that is harmful to mi-*
2 *nors.”.*

3 **(b) APPLICABILITY.**—*The amendments made by sub-*
4 *section (a) shall apply to agreements for the provision of*
5 *Internet access services entered into on or after the date that*
6 *is 6 months after the date of enactment of this Act.*

7 **SEC. 628. REPORT ON KOREAN STEEL SUBSIDIES.** *(a)*
8 **IN GENERAL.**—*Not later than 60 days after the date of en-*
9 *actment of this Act, the United States Trade Representative*
10 *(in this section referred to as the “Trade Representative”)*
11 *shall report to Congress on the Trade Representative’s anal-*
12 *ysis regarding—*

13 *(1) whether the Korean Government provided*
14 *subsidies to Hanbo Steel;*

15 *(2) whether such subsidies had an adverse effect*
16 *on United States companies;*

17 *(3) the status of the Trade Representative’s con-*
18 *tacts with the Korean Government with respect to in-*
19 *dustry concerns regarding Hanbo Steel and efforts to*
20 *eliminate subsidies; and*

21 *(4) the status of the Trade Representative’s con-*
22 *tacts with other Asian trading partners regarding the*
23 *adverse effect of Korean steel subsidies on such trad-*
24 *ing partners.*

1 (b) *STATUS OF INVESTIGATION.*—The report described
 2 in subsection (a) shall also include information on the sta-
 3 tus of any investigations initiated as a result of press re-
 4 ports that the Korean Government ordered Pohang Iron and
 5 Steel Company, in which the Government owns a control-
 6 ling interest, to sell steel in Korea at a price that is 30
 7 percent lower than the international market prices.

8 *SEC. 629. Notwithstanding any other provision of law,*
 9 *no funds appropriated or otherwise made available for fis-*
 10 *cal year 1999 by this Act or any other Act may be obligated*
 11 *or expended for purposes of enforcing any rule or regulation*
 12 *requiring the installation or operation aboard United*
 13 *States fishing industry vessels of the Global Maritime Dis-*
 14 *tress and Safety System (GMDSS).*

15 *SEC. 630. AGRICULTURAL EXPORT CONTROLS. The*
 16 *International Emergency Economic Powers Act (50 U.S.C.*
 17 *1701 et seq.) is amended—*

18 (1) *by redesignating section 208 as section 209;*

19 *and*

20 (2) *by inserting after section 207 the following*
 21 *new section:*

22 **“SEC. 208. AGRICULTURAL CONTROLS.**

23 **“(a) IN GENERAL.—**

24 **“(1) REPORT TO CONGRESS.—If the President**
 25 *imposes export controls on any agricultural commod-*

1 *ity in order to carry out the provisions of this Act,*
2 *the President shall immediately transmit a report on*
3 *such action to Congress, setting forth the reasons for*
4 *the controls in detail and specifying the period of*
5 *time, which may not exceed 1 year, that the controls*
6 *are proposed to be in effect. If Congress, within 60*
7 *days after the date of its receipt of the report, adopts*
8 *a joint resolution pursuant to subsection (b), approv-*
9 *ing the imposition of the export controls, then such*
10 *controls shall remain in effect for the period specified*
11 *in the report, or until terminated by the President,*
12 *whichever occurs first. If Congress, within 60 days*
13 *after the date of its receipt of such report, fails to*
14 *adopt a joint resolution approving such controls, then*
15 *such controls shall cease to be effective upon the expi-*
16 *ration of that 60-day period.*

17 *“(2) APPLICATION OF PARAGRAPH (1).—The pro-*
18 *visions of paragraph (1) and subsection (b) shall not*
19 *apply to export controls—*

20 *“(A) which are extended under this Act if*
21 *the controls, when imposed, were approved by*
22 *Congress under paragraph (1) and subsection*
23 *(b); or*

1 “(B) which are imposed with respect to a
2 country as part of the prohibition or curtailment
3 of all exports to that country.

4 “(b) JOINT RESOLUTION.—

5 “(1) IN GENERAL.—For purposes of this sub-
6 section, the term ‘joint resolution’ means only a joint
7 resolution the matter after the resolving clause of
8 which is as follows: ‘That, pursuant to section 208 of
9 the International Emergency Economic Powers Act,
10 the President may impose export controls as specified
11 in the report submitted to Congress on
12 _____.’, with the blank space being
13 filled with the appropriate date.

14 “(2) INTRODUCTION.—On the day on which a re-
15 port is submitted to the House of Representatives and
16 the Senate under subsection (a), a joint resolution
17 with respect to the export controls specified in such
18 report shall be introduced (by request) in the House
19 of Representatives by the chairman of the Committee
20 on International Relations, for himself and the rank-
21 ing minority member of the Committee, or by Mem-
22 bers of the House designated by the chairman and
23 ranking minority member; and shall be introduced
24 (by request) in the Senate by the Majority Leader of
25 the Senate, for himself and the Minority Leader of the

1 *Senate, or by Members of the Senate designated by the*
2 *Majority Leader and Minority Leader of the Senate.*
3 *If either House is not in session on the day on which*
4 *such a report is submitted, the joint resolution shall*
5 *be introduced in that House, as provided in the pre-*
6 *ceding sentence, on the first day thereafter on which*
7 *that House is in session.*

8 “(3) *REFERRAL.*—*All joint resolutions intro-*
9 *duced in the House of Representatives and in the Sen-*
10 *ate shall be referred to the appropriate committee.*

11 “(4) *DISCHARGE OF COMMITTEE.*—*If the com-*
12 *mittee of either House to which a joint resolution has*
13 *been referred has not reported the joint resolution at*
14 *the end of 30 days after its referral, the committee*
15 *shall be discharged from further consideration of the*
16 *joint resolution or of any other joint resolution intro-*
17 *duced with respect to the same matter.*

18 “(5) *CONSIDERATION IN SENATE AND HOUSE OF*
19 *REPRESENTATIVES.*—*A joint resolution under this*
20 *subsection shall be considered in the Senate in accord-*
21 *ance with the provisions of section 601(b)(4) of the*
22 *International Security Assistance and Arms Export*
23 *Control Act of 1976. For the purpose of expediting the*
24 *consideration and passage of joint resolutions re-*
25 *ported or discharged pursuant to the provisions of*

1 *this subsection, it shall be in order for the Committee*
2 *on Rules of the House of Representatives to present*
3 *for consideration a resolution of the House of Rep-*
4 *resentatives providing procedures for the immediate*
5 *consideration of a joint resolution under this sub-*
6 *section which may be similar, if applicable, to the*
7 *procedures set forth in section 601(b)(4) of the Inter-*
8 *national Security Assistance and Arms Export Con-*
9 *trol Act of 1976.*

10 *“(6) PASSAGE BY 1 HOUSE.—In the case of a*
11 *joint resolution described in paragraph (1), if, before*
12 *the passage by 1 House of a joint resolution of that*
13 *House, that House receives a resolution with respect*
14 *to the same matter from the other House, then—*

15 *“(A) the procedure in that House shall be*
16 *the same as if no joint resolution had been re-*
17 *ceived from the other House; but*

18 *“(B) the vote on final passage shall be on*
19 *the joint resolution of the other House.*

20 *“(c) COMPUTATION OF TIME.—In the computation of*
21 *the period of 60 days referred to in subsection (a) and the*
22 *period of 30 days referred to in paragraph (4) of subsection*
23 *(b), there shall be excluded the days on which either House*
24 *of Congress is not in session because of an adjournment of*

1 *more than 3 days to a day certain or because of an adjourn-*
 2 *ment of Congress sine die.”.*

3 *SEC. 631. INVESTIGATION OF PRACTICES OF CANADIAN*
 4 *WHEAT BOARD. (a) IN GENERAL.—Notwithstanding any*
 5 *other provision of law, not less than 4 of the new employees*
 6 *authorized in fiscal years 1998 and 1999 for the Office of*
 7 *the United States Trade Representative shall work on inves-*
 8 *tigating pricing practices of the Canadian Wheat Board*
 9 *and determining whether the United States spring wheat,*
 10 *barley, or durum wheat industries have suffered injury as*
 11 *a result of those practices.*

12 *(b) SCOPE OF INVESTIGATION.—The purpose of the in-*
 13 *vestigation described in subsection (a) shall be to determine*
 14 *whether the practices of the Canadian Wheat Board con-*
 15 *stitute violations of the antidumping or countervailing duty*
 16 *provisions of title VII of the Tariff Act of 1930 or the provi-*
 17 *sions of title II or III of the Trade Act of 1974. The inves-*
 18 *tigation shall include—*

19 *(1) a determination as to whether the United*
 20 *States durum wheat industry, spring wheat industry,*
 21 *or barley industry is being materially injured or is*
 22 *threatened with material injury as a result of the*
 23 *practices of the Canadian Wheat Board;*

24 *(2) a determination as to whether the acts, poli-*
 25 *cies, or practices of the Canadian Wheat Board—*

1 (A) violate, or are inconsistent with, the
 2 provisions of, or otherwise deny benefits to the
 3 United States under, any trade agreement, or

4 (B) are unjustifiable or burden or restrict
 5 United States commerce;

6 (3) a review of home market price and cost of ac-
 7 quisition of Canadian grain;

8 (4) a determination as to whether Canadian
 9 grain is being imported into the United States in suf-
 10 ficient quantities to be a substantial cause of serious
 11 injury or threat of serious injury to the United States
 12 spring wheat, barley, or durum wheat industries; and

13 (5) a determination as to whether there is har-
 14 monization in the requirements for cross-border trans-
 15 portation of grain between Canada and the United
 16 States.

17 (c) ACTION BASED ON RESULTS OF THE INVESTIGA-
 18 TION.—

19 (1) IN GENERAL.—If, based on the investigation
 20 conducted pursuant to this section, there is an affirm-
 21 ative determination under subsection (b) with respect
 22 to any act, policy, or practice of the Canadian Wheat
 23 Board, appropriate action shall be initiated under
 24 title VII of the Tariff Act of 1930, or title II or III
 25 of the Trade Act of 1974.

1 (2) *CORRECTION OF HARMONIZATION PROBLEMS.*—*If, based on the investigation conducted pursuant to this section, there is a determination that there is no harmonization for cross-border grain transportation between Canada and the United States, the United States Trade Representative shall report to Congress regarding what action should be taken in order to harmonize cross-border transportation requirements.*

10 (d) *REPORT.*—*Not later than 6 months after the date of enactment of this Act, the United States Trade Representative shall report to Congress on the results of the investigation conducted pursuant to this section.*

14 (e) *DEFINITION OF GRAIN.*—*For purposes of this section, the terms “Canadian grain” and “grain” include spring wheat, durum wheat, and barley.*

17 *SEC. 632. (a) IN GENERAL.*—*Section 331 of the Communications Act of 1934 (47 U.S.C. 331) is amended by adding at the end the following:*

20 “(c) *FM TRANSLATOR STATIONS.*—(1) *It may be the policy of the Commission, in any case in which the licensee of an existing FM translator station operating in the commercial FM band is licensed to a county (or to a community in such county) that has a population of 700,000 or more persons, is not an integral part of a larger municipal*

1 *entity, and lacks a commercial FM radio station licensed*
2 *to the county (or to any community within such county),*
3 *to extend to the licensee—*

4 “(A) *authority for the origination of unlimited*
5 *local programming through the station on a primary*
6 *basis but only if the licensee abides in such program-*
7 *ming by all rules, regulations, and policies of the*
8 *Commission regarding program material, content,*
9 *schedule, and public service obligations otherwise ap-*
10 *plicable to commercial FM radio stations; and*

11 “(B) *authority to operate the station (either*
12 *omnidirectionally or directionally, with facilities*
13 *equivalent to those of a station operating with maxi-*
14 *mum effective radiated power of less than 100 watts*
15 *and maximum antenna height above average terrain*
16 *of 100 meters) if—*

17 “(i) *the station is not located within 320*
18 *kilometers (approximately 199 miles) of the*
19 *United States border with Canada or with Mex-*
20 *ico;*

21 “(ii) *the station provides full service FM*
22 *stations operating on co-channel and first adja-*
23 *cent channels protection from interference as re-*
24 *quired by rules and regulations of the Commis-*
25 *sion applicable to full service FM stations; and*

1 “(iii) the station complies with any other
2 rules, regulations, and policies of the Commis-
3 sion applicable to FM translator stations that
4 are not inconsistent with the provisions of this
5 subparagraph.

6 “(2) Notwithstanding any rules, regulations, or poli-
7 cies of the Commission applicable to FM translator stations,
8 a station operated under the authority of paragraph
9 (1)(B)—

10 “(A) may accept or receive any amount of theo-
11 retical interference from any full service FM station;

12 “(B) may be deemed to comply in such operation
13 with any intermediate frequency (IF) protection re-
14 quirements if the station’s effective radiated power in
15 the pertinent direction is less than 100 watts;

16 “(C) may not be required to provide protection
17 in such operation to any other FM station operating
18 on 2nd or 3rd adjacent channels;

19 “(D) may utilize transmission facilities located
20 in the county to which the station is licensed or in
21 which the station’s community of license is located;
22 and

23 “(E) may utilize a directional antennae in such
24 operation to the extent that such use is necessary to
25 assure provision of maximum possible service to the

1 *residents of the county in which the station is licensed*
 2 *or in which the station's community of license is lo-*
 3 *cated.*

4 *“(3)(A) A licensee may exercise the authority provided*
 5 *under paragraph (1)(A) immediately upon written notifi-*
 6 *cation to the Commission of its intent to exercise such au-*
 7 *thority.*

8 *“(B)(i) A licensee may submit to the Commission an*
 9 *application to exercise the authority provided under para-*
 10 *graph (1)(B). The Commission may treat the application*
 11 *as an application for a minor change to the license to which*
 12 *the application applies.*

13 *“(ii) A licensee may exercise the authority provided*
 14 *under paragraph (1)(B) upon the granting of the applica-*
 15 *tion to exercise the authority under clause (i).”.*

16 *(b) CONFORMING AMENDMENT.—The section heading*
 17 *of that section is amended to read as follows:*

18 **“SEC. 331. VERY HIGH FREQUENCY STATIONS AND AM AND**
 19 **FM RADIO STATIONS.”.**

20 *(c) RENEWAL OF CERTAIN LICENSES.—(1) Notwith-*
 21 *standing any other provision of law, the Federal Commu-*
 22 *nications Commission may renew the license of an FM*
 23 *translator station the licensee of which is exercising author-*
 24 *ity under subparagraph (A) or (B) of section 331(c)(1) of*
 25 *the Communications Act of 1934, as added by subsection*

1 *(a), upon application for renewal of such license filed after*
 2 *the date of enactment of this Act, if the Commission deter-*
 3 *mines that the public interest, convenience, and necessity*
 4 *would be served by the renewal of the license.*

5 *(2) If the Commission determines under paragraph (1)*
 6 *that the public interest, convenience, and necessity would*
 7 *not be served by the renewal of a license, the Commission*
 8 *shall, within 30 days of the date on which the decision not*
 9 *to renew the license becomes final, provide for the filing of*
 10 *applications for licenses for FM translator service to replace*
 11 *the FM translator service covered by the license not to be*
 12 *renewed.*

13 *TITLE VII—RESCISSIONS*

14 *DEPARTMENT OF JUSTICE*

15 *GENERAL ADMINISTRATION*

16 *WORKING CAPITAL FUND*

17 *(RESCISSION)*

18 *Of the unobligated balances available under this head-*
 19 *ing on September 30, 1997, \$45,326,000 are rescinded.*

20 *FEDERAL BUREAU OF INVESTIGATION*

21 *(RESCISSIONS)*

22 *Of the funds provided in previous Acts, the following*
 23 *funds are hereby rescinded from the following accounts in*
 24 *the specified amounts:*

25 *“Construction, 1996”, \$6,000,000.*

26 *“Construction, 1998”, \$4,000,000.*

1 *“Salaries and Expenses-Legal Attaché, 1998”,*
2 \$4,178,000.

3 *“Salaries and Expenses, no year”, \$6,400,000.*

4 *“Violent Crime Reduction Program, 1996”,*
5 \$2,000,000.

6 *“Violent Crime Reduction Program, 1997”,*
7 \$300,000.

8 *DEPARTMENT OF COMMERCE*

9 *(RESCISSIONS)*

10 *Of the funds provided in previous Acts, the following*
11 *funds are hereby rescinded from the following accounts in*
12 *the specified amounts:*

13 *“United States Travel and Tourism Administra-*
14 *tion, no year”, \$915,000.*

15 *“Endowment for Children’s Educational TV, no year”,*
16 *\$1,175,000.*

17 *DEPARTMENT OF STATE*

18 *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

19 *(RESCISSION)*

20 *Of the total amount of appropriations provided in Acts*
21 *enacted before this Act for the Interparliamentary Union,*
22 *\$400,000 is rescinded.*

1 *TITLE VIII—LOCAL GOVERNMENT LAW*
2 *ENFORCEMENT BLOCK GRANT ACT*

3 *SEC. 801. SHORT TITLE; DEFINITIONS. (a) SHORT*
4 *TITLE.—This title may be cited as the “Local Government*
5 *Law Enforcement Block Grant Act of 1998”.*

6 *(b) DEFINITIONS.—In this Act:*

7 *(1) DIRECTOR.—The term “Director” means the*
8 *Director of the Bureau of Justice Assistance of the De-*
9 *partment of Justice.*

10 *(2) JUVENILE.—The term “juvenile” means an*
11 *individual who is 17 years of age or younger.*

12 *(3) LAW ENFORCEMENT EXPENDITURES.—The*
13 *term “law enforcement expenditures” means the cur-*
14 *rent operation expenditures associated with police,*
15 *prosecutorial, legal, and judicial services, and correc-*
16 *tions as reported to the Bureau of the Census.*

17 *(4) PART 1 VIOLENT CRIMES.—The term “part 1*
18 *violent crimes” means murder and nonnegligent man-*
19 *slaughter, forcible rape, robbery, and aggravated as-*
20 *sault as reported to the Federal Bureau of Investiga-*
21 *tion for purposes of the Uniform Crime Reports.*

22 *(5) PAYMENT PERIOD.—The term “payment pe-*
23 *riod” means each 1-year period beginning on October*
24 *1 of any year in which a grant under this Act is*
25 *awarded.*

1 (6) *STATE*.—The term “State” means any State
2 of the United States, the District of Columbia, the
3 Commonwealth of Puerto Rico, the Virgin Islands,
4 American Samoa, Guam, and the Northern Mariana
5 Islands, except that American Samoa, Guam, and the
6 Northern Mariana Islands shall be considered as 1
7 State and that, for purposes of section 805(a), 33 per-
8 cent of the amounts allocated shall be allocated to
9 American Samoa, 50 percent to Guam, and 17 per-
10 cent to the Northern Mariana Islands.

11 (7) *UNIT OF LOCAL GOVERNMENT*.—The term
12 “unit of local government” means—

13 (A) a county, township, city, or political
14 subdivision of a county, township, or city, that
15 is a general purpose unit of local government, as
16 determined by the Secretary of Commerce for
17 general statistical purposes, including a parish
18 sheriff in the State of Louisiana;

19 (B) the District of Columbia and the recog-
20 nized governing body of an Indian tribe or Alas-
21 ka Native village that carries out substantial
22 governmental duties and powers; and

23 (C) the Commonwealth of Puerto Rico, in
24 addition to being considered a State, for the pur-
25 poses set forth in section 802(a)(2).

1 *SEC. 802. PAYMENTS TO LOCAL GOVERNMENTS. (a)*
2 *PAYMENT AND USE.—*

3 (1) *PAYMENT.—The Director shall pay to each*
4 *unit of local government that qualifies for a payment*
5 *under this Act an amount equal to the sum of any*
6 *amounts allocated to such unit under this Act for*
7 *each payment period. The Director shall pay such*
8 *amount from amounts appropriated to carry out this*
9 *Act.*

10 (2) *USE.—Amounts paid to a unit of local gov-*
11 *ernment under this section shall be used by the unit*
12 *for reducing crime and improving public safety, in-*
13 *cluding but not limited to, 1 or more of the following*
14 *purposes:*

15 (A)(i) *Hiring, training, and employing on*
16 *a continuing basis new, additional law enforce-*
17 *ment officers and necessary support personnel.*

18 (ii) *Paying overtime to presently employed*
19 *law enforcement officers and necessary support*
20 *personnel for the purpose of increasing the num-*
21 *ber of hours worked by such personnel.*

22 (iii) *Procuring equipment, technology, and*
23 *other material directly related to basic law en-*
24 *forcement functions.*

25 (B) *Enhancing security measures—*

1 (i) in and around schools; and
2 (ii) in and around any other facility
3 or location that is considered by the unit of
4 local government to have a special risk for
5 incidents of crime.

6 (C) Establishing crime prevention programs
7 that may, though not exclusively, involve law en-
8 forcement officials and that are intended to dis-
9 courage, disrupt, or interfere with the commis-
10 sion of criminal activity, including neighborhood
11 watch and citizen patrol programs, sexual as-
12 sault and domestic violence programs, and pro-
13 grams intended to prevent juvenile crime.

14 (D) Establishing or supporting drug courts.

15 (E) Establishing early intervention and
16 prevention programs for juveniles to reduce or
17 eliminate crime.

18 (F) Enhancing the adjudication process of
19 cases involving violent offenders, including the
20 adjudication process of cases involving violent
21 juvenile offenders.

22 (G) Enhancing programs under subpart 1
23 of part E of the Omnibus Crime Control and
24 Safe Streets Act of 1968.

1 (H) *Establishing cooperative task forces be-*
2 *tween adjoining units of local government to*
3 *work cooperatively to prevent and combat crimi-*
4 *nal activity, particularly criminal activity that*
5 *is exacerbated by drug or gang-related involve-*
6 *ment.*

7 (I) *Establishing a multijurisdictional task*
8 *force, particularly in rural areas, composed of*
9 *law enforcement officials representing units of*
10 *local government, that works with Federal law*
11 *enforcement officials to prevent and control*
12 *crime.*

13 (J) *Establishing or supporting programs*
14 *designed to collect, record, retain, and dissemi-*
15 *nate information useful in the identification,*
16 *prosecution, and sentencing of offenders, such as*
17 *criminal history information, fingerprints, DNA*
18 *tests, and ballistics tests.*

19 (3) *DEFINITIONS.—In this subsection—*

20 (A) *the term “violent offender” means a*
21 *person charged with committing a part I violent*
22 *crime; and*

23 (B) *the term “drug courts” means a pro-*
24 *gram that involves—*

1 (i) continuing judicial supervision over
2 offenders with substance abuse problems who
3 are not violent offenders; and

4 (ii) the integrated administration of
5 other sanctions and services, which shall in-
6 clude—

7 (I) mandatory periodic testing for
8 the use of controlled substances or other
9 addictive substances during any period
10 of supervised release or probation for
11 each participant;

12 (II) substance abuse treatment for
13 each participant;

14 (III) probation, or other super-
15 vised release involving the possibility
16 of prosecution, confinement, or incar-
17 ceration based on noncompliance with
18 program requirements or failure to
19 show satisfactory progress; and

20 (IV) programmatic, offender man-
21 agement, and aftercare services such as
22 relapse prevention, vocational job
23 training, job placement, and housing
24 placement.

1 (b) *PROHIBITED USES.*—Notwithstanding any other
2 provision of this Act, a unit of local government may not
3 expend any of the funds provided under this Act to pur-
4 chase, lease, rent, or otherwise acquire—

5 (1) *tanks or armored personnel carriers;*

6 (2) *fixed wing aircraft;*

7 (3) *limousines;*

8 (4) *real estate;*

9 (5) *yachts;*

10 (6) *consultants; or*

11 (7) *vehicles not primarily used for law enforce-*
12 *ment;*

13 *unless the Attorney General certifies that extraordinary and*
14 *exigent circumstances exist that make the use of funds for*
15 *such purposes essential to the maintenance of public safety*
16 *and good order in such unit of local government. With re-*
17 *gard to paragraph (2), such circumstances shall be deemed*
18 *to exist with respect to a unit of local government in a rural*
19 *State, as defined in section 1501 of the Omnibus Crime*
20 *Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb),*
21 *upon certification by the chief law enforcement officer of*
22 *the unit of local government that the unit of local govern-*
23 *ment is experiencing an increase in production or cultiva-*
24 *tion of a controlled substance or listed chemical (as defined*
25 *in section 102 of the Controlled Substances Act), and that*

1 *the fixed wing aircraft will be used in the detection, disrup-*
2 *tion, or abatement of such production or cultivation.*

3 (c) *TIMING OF PAYMENTS.*—*The Director shall pay*
4 *each unit of local government that has submitted an appli-*
5 *cation under this Act not later than the later of—*

6 (1) *90 days after the date that the amount is*
7 *available; or*

8 (2) *the first day of the payment period if the*
9 *unit of local government has provided the Director*
10 *with the assurances required by section 804(c).*

11 (d) *ADJUSTMENTS.*—

12 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
13 *Director shall adjust a payment under this Act to a*
14 *unit of local government to the extent that a prior*
15 *payment to the unit of local government was more or*
16 *less than the amount required to be paid.*

17 (2) *CONSIDERATIONS.*—*The Director may in-*
18 *crease or decrease under this subsection a payment to*
19 *a unit of local government only if the Director deter-*
20 *mines the need for the increase or decrease, or if the*
21 *unit requests the increase or decrease, not later than*
22 *1 year after the end of the payment period for which*
23 *a payment was made.*

24 (e) *RESERVATION FOR ADJUSTMENT.*—*The Director*
25 *may reserve a percentage of not more than 2 percent of the*

1 *amount under this section for a payment period for all*
 2 *units of local government in a State if the Director consid-*
 3 *ers the reserve is necessary to ensure the availability of suf-*
 4 *ficient amounts to pay adjustments after the final alloca-*
 5 *tion of amounts among the units of local government in*
 6 *the State.*

7 *(f) REPAYMENT OF UNEXPENDED AMOUNTS.—*

8 *(1) REPAYMENT REQUIRED.—A unit of local gov-*
 9 *ernment shall repay to the Director, by not later than*
 10 *27 months after receipt of funds from the Director,*
 11 *any amount that is—*

12 *(A) paid to the unit from amounts appro-*
 13 *priated under the authority of this section; and*

14 *(B) not expended by the unit within 2 years*
 15 *after receipt of such funds from the Director.*

16 *(2) PENALTY FOR FAILURE TO REPAY.—If the*
 17 *amount required to be repaid is not repaid, the Direc-*
 18 *tor shall reduce payment in future payment periods*
 19 *accordingly.*

20 *(3) DEPOSIT OF AMOUNTS REPAYED.—Amounts*
 21 *received by the Director as repayments under this*
 22 *subsection shall be deposited in a designated fund for*
 23 *future payments to units of local government. Any*
 24 *amounts remaining in such designated fund after 5*
 25 *years following the date of enactment of this Act shall*

1 *be applied to the Federal deficit or, if there is no Fed-*
2 *eral deficit, to reducing the Federal debt.*

3 (g) *NONSUPPLANTING REQUIREMENT.—Funds made*
4 *available under this Act to units of local government shall*
5 *not be used to supplant State or local funds, but shall be*
6 *used to increase the amount of funds that would, in the*
7 *absence of funds made available under this Act, be made*
8 *available from State or local sources.*

9 (h) *MATCHING FUNDS.—The Federal share of a grant*
10 *received under this Act may not exceed 90 percent of the*
11 *costs of a program or proposal funded under this Act. No*
12 *funds provided under this Act may be used as matching*
13 *funds for any other Federal grant program.*

14 SEC. 803. *AUTHORIZATION OF APPROPRIATIONS. (a)*
15 *AUTHORIZATION OF APPROPRIATIONS.—There are author-*
16 *ized to be appropriated to carry out this Act \$750,000,000*
17 *for each of fiscal years 1998 through 2003.*

18 (b) *OVERSIGHT ACCOUNTABILITY AND ADMINISTRA-*
19 *TION.—Not more than 3 percent of the amount authorized*
20 *to be appropriated under subsection (a) for each of the fiscal*
21 *years 1998 through 2003 shall be available to the Attorney*
22 *General for studying the overall effectiveness and efficiency*
23 *of the provisions of this Act, and assuring compliance with*
24 *the provisions of this Act and for administrative costs to*
25 *carry out the purposes of this Act. From the amount de-*

1 scribed in the preceding sentence, the Bureau of Justice As-
2 sistance shall receive such sums as may be necessary for
3 the actual costs of administration and monitoring. The At-
4 torney General shall establish and execute an oversight plan
5 for monitoring the activities of grant recipients. Such sums
6 are to remain available until expended.

7 (c) *FUNDING SOURCE.*—Appropriations for activities
8 authorized in this Act may be made from the Violent Crime
9 Reduction Trust Fund.

10 (d) *TECHNOLOGY ASSISTANCE.*—Of the amount appro-
11 priated under subsection (a) for each of fiscal years 1998
12 through 2003, the Attorney General shall reserve—

13 (1) 3 percent for use by the Bureau of Justice
14 Statistics for information and identification tech-
15 nology, including the Integrated Automated Finger-
16 print Identification System (IAFIS), DNA, and bal-
17 listics systems; and

18 (2) 3 percent for use by the National Institute of
19 Justice in assisting units of local government to iden-
20 tify, select, develop, modernize, and purchase new
21 technologies for use by law enforcement.

22 (e) *AVAILABILITY.*—The amounts appropriated under
23 subsection (a) shall remain available until expended.

24 SEC. 804. *QUALIFICATION FOR PAYMENT.* (a) *IN GEN-*
25 *ERAL.*—The Director shall issue regulations establishing

1 *procedures under which a unit of local government is re-*
2 *quired to provide notice to the Director regarding the pro-*
3 *posed use of funds made available under this Act.*

4 *(b) PROGRAM REVIEW.—The Director shall establish*
5 *a process for the ongoing evaluation of projects developed*
6 *with funds made available under this Act.*

7 *(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—*
8 *A unit of local government qualifies for a payment under*
9 *this Act for a payment period only if the unit of local gov-*
10 *ernment submits an application to the Director and estab-*
11 *lishes, to the satisfaction of the Director, that—*

12 *(1) the unit of local government has established*
13 *a local advisory board that—*

14 *(A) includes, but is not limited to, a rep-*
15 *resentative from—*

16 *(i) the local police department or local*
17 *sheriff's department;*

18 *(ii) the local prosecutor's office;*

19 *(iii) the local court system;*

20 *(iv) the local public school system; and*

21 *(v) a local nonprofit, educational, reli-*
22 *gious, or community group active in crime*
23 *prevention or drug use prevention or treat-*
24 *ment;*

25 *(B) has reviewed the application; and*

1 (C) is designated to make nonbinding rec-
2 ommendations to the unit of local government for
3 the use of funds received under this Act;

4 (2) the chief executive officer of the State has had
5 not less than 20 days to review and comment on the
6 application prior to submission to the Director;

7 (3)(A) the unit of local government will establish
8 a trust fund in which the government will deposit all
9 payments received under this Act; and

10 (B) the unit of local government will use
11 amounts in the trust fund (including interest) during
12 a period not to exceed 2 years from the date the first
13 grant payment is made to the unit of local govern-
14 ment;

15 (4) the unit of local government will expend the
16 payments received in accordance with the laws and
17 procedures that are applicable to the expenditure of
18 revenues of the unit of local government;

19 (5) the unit of local government will use account-
20 ing, audit, and fiscal procedures that conform to
21 guidelines, which shall be prescribed by the Director
22 after consultation with the Comptroller General of the
23 United States and as applicable, amounts received
24 under this Act shall be audited in compliance with
25 the Single Audit Act of 1984;

1 (6) *after reasonable notice from the Director or*
2 *the Comptroller General of the United States to the*
3 *unit of local government, the unit of local government*
4 *will make available to the Director and the Comptrol-*
5 *ler General of the United States, with the right to in-*
6 *spect, records that the Director reasonably requires to*
7 *review compliance with this Act or that the Comptrol-*
8 *ler General of the United States reasonably requires*
9 *to review compliance and operation;*

10 (7) *a designated official of the unit of local gov-*
11 *ernment shall make reports the Director reasonably*
12 *requires, in addition to the annual reports required*
13 *under this Act;*

14 (8) *the unit of local government will spend the*
15 *funds made available under this Act only for the pur-*
16 *poses set forth in section 802(a)(2);*

17 (9) *the unit of local government will achieve a*
18 *net gain in the number of law enforcement officers*
19 *who perform nonadministrative public safety service*
20 *if such unit uses funds received under this Act to in-*
21 *crease the number of law enforcement officers as de-*
22 *scribed under section 802(a)(2)(A);*

23 (10) *the unit of local government—*

24 (A) *has an adequate process to assess the*
25 *impact of any enhancement of a school security*

1 *measure that is undertaken under section*
2 *802(a)(2)(B), or any crime prevention programs*
3 *that are established under subparagraphs (C)*
4 *and (E) of section 802(a)(2), on the incidence of*
5 *crime in the geographic area where the enhance-*
6 *ment is undertaken or the program is estab-*
7 *lished;*

8 *(B) will conduct such an assessment with*
9 *respect to each such enhancement or program;*
10 *and*

11 *(C) will submit an annual written assess-*
12 *ment report to the Director; and*

13 *(11) the unit of local government has established*
14 *procedures to give members of the Armed Forces who,*
15 *on or after October 1, 1990, were or are selected for*
16 *involuntary separation (as described in section 1141*
17 *of title 10, United States Code), approved for separa-*
18 *tion under section 1174a or 1175 of such title, or re-*
19 *tired pursuant to the authority provided under sec-*
20 *tion 4403 of the Defense Conversion, Reinvestment,*
21 *and Transition Assistance Act of 1992 (division D of*
22 *Public Law 102-484; 10 U.S.C. 1293 note), a suitable*
23 *preference in the employment of persons as additional*
24 *law enforcement officers or support personnel using*
25 *funds made available under this Act. The nature and*

1 *extent of such employment preference shall be jointly*
2 *established by the Attorney General and the Secretary*
3 *of Defense. To the extent practicable, the Director*
4 *shall endeavor to inform members who were separated*
5 *between October 1, 1990, and the date of enactment*
6 *of this Act of their eligibility for the employment pref-*
7 *erence.*

8 (d) *SANCTIONS FOR NONCOMPLIANCE.—*

9 (1) *IN GENERAL.—If the Director determines*
10 *that a unit of local government has not complied sub-*
11 *stantially with the requirements or regulations pre-*
12 *scribed under subsections (a) and (c), the Director*
13 *shall notify the unit of local government that if the*
14 *unit of local government does not take corrective ac-*
15 *tion within 60 days of such notice, the Director will*
16 *withhold additional payments to the unit of local gov-*
17 *ernment for the current and future payment periods*
18 *until the Director is satisfied that the unit of local*
19 *government—*

20 (A) *has taken the appropriate corrective ac-*
21 *tion; and*

22 (B) *will comply with the requirements and*
23 *regulations prescribed under subsections (a) and*
24 *(c).*

1 (2) *NOTICE.*—*Before giving notice under para-*
 2 *graph (1), the Director shall give the chief executive*
 3 *officer of the unit of local government reasonable no-*
 4 *tice and an opportunity for comment.*

5 (e) *MAINTENANCE OF EFFORT REQUIREMENT.*—*A*
 6 *unit of local government qualifies for a payment under this*
 7 *Act for a payment period only if the unit's expenditures*
 8 *on law enforcement services (as reported by the Bureau of*
 9 *the Census) for the fiscal year preceding the fiscal year in*
 10 *which the payment period occurs were not less than 90 per-*
 11 *cent of the unit's expenditures on such services for the sec-*
 12 *ond fiscal year preceding the fiscal year in which the pay-*
 13 *ment period occurs.*

14 *SEC. 805. ALLOCATION AND DISTRIBUTION OF FUNDS.*

15 (a) *STATE SET-ASIDE.*—

16 (1) *IN GENERAL.*—*Of the total amounts appro-*
 17 *priated for this Act for each payment period, the Di-*
 18 *rector shall allocate for units of local government in*
 19 *each State an amount that bears the same ratio to*
 20 *such total as the average annual number of part 1*
 21 *violent crimes reported by such State to the Federal*
 22 *Bureau of Investigation for the 3 most recent cal-*
 23 *endar years for which such data is available, bears to*
 24 *the number of part 1 violent crimes reported by all*

1 *States to the Federal Bureau of Investigation for such*
2 *years.*

3 (2) *MINIMUM REQUIREMENT.—Each State shall*
4 *receive not less than 0.5 percent of the total amounts*
5 *appropriated under section 803 under this subsection*
6 *for each payment period.*

7 (3) *PROPORTIONAL REDUCTION.—If amounts*
8 *available to carry out paragraph (2) for any payment*
9 *period are insufficient to pay in full the total pay-*
10 *ment that any State is otherwise eligible to receive*
11 *under paragraph (1) for such period, then the Direc-*
12 *tor shall reduce payments under paragraph (1) for*
13 *such payment period to the extent of such insuffi-*
14 *ciency. Reductions under the preceding sentence shall*
15 *be allocated among the States (other than States*
16 *whose payment is determined under paragraph (2))*
17 *in the same proportions as amounts would be allo-*
18 *cated under paragraph (1) without regard to para-*
19 *graph (2).*

20 (b) *LOCAL DISTRIBUTION.—*

21 (1) *IN GENERAL.—From the amount reserved for*
22 *each State under subsection (a), the Director shall al-*
23 *locate among units of local government an amount*
24 *that bears the same ratio to the aggregate amount of*
25 *such funds as*

1 (A) *the product of—*

2 (i) *two-thirds; multiplied by*

3 (ii) *the ratio of the average annual*
4 *number of part 1 violent crimes in such*
5 *unit of local government for the 3 most re-*
6 *cent calendar years for which such data is*
7 *available, to the sum of such violent crime*
8 *in all units of local government in the*
9 *State; and*

10 (B) *the product of—*

11 (i) *one-third; multiplied by*

12 (ii) *the ratio of the law enforcement ex-*
13 *penditure, for such unit of local government*
14 *for the most recent year for which such data*
15 *are available, to such expenditures for all*
16 *units of local government in the State.*

17 (2) *EXPENDITURES.—The allocation any unit of*
18 *local government shall receive under paragraph (1)*
19 *for a payment period shall not exceed 100 percent of*
20 *law enforcement expenditures of the unit for such*
21 *payment period.*

22 (3) *REALLOCATION.—The amount of any unit of*
23 *local government's allocation that is not available to*
24 *such unit by operation of paragraph (2) shall be*
25 *available to other units of local government that are*

1 *not affected by such operation in accordance with this*
2 *subsection.*

3 (4) *LOCAL GOVERNMENTS WITH ALLOCATIONS OF*
4 *LESS THAN \$10,000.—If under paragraph (1) a unit*
5 *of local government is allotted less than \$10,000 for*
6 *the payment period, the amount allotted shall be*
7 *transferred to the chief executive officer of the State*
8 *who shall distribute such funds among State police*
9 *departments that provide law enforcement services to*
10 *units of local government and units of local govern-*
11 *ment whose allotment is less than such amount in a*
12 *manner that reduces crime and improves public safe-*
13 *ty.*

14 (5) *SPECIAL RULE.—If a unit of local govern-*
15 *ment in the State has been annexed since the date of*
16 *the collection of the data used by the Director in mak-*
17 *ing allocations pursuant to this section, the Director*
18 *shall pay the amount that would have been allocated*
19 *to such unit of local government to the unit of local*
20 *government that annexed it.*

21 (c) *GRANTS TO INDIAN TRIBES.—Notwithstanding*
22 *subsections (a) and (b), of the amount appropriated under*
23 *section 803(a) in each of fiscal years 1998 through 2003,*
24 *the Attorney General shall reserve 0.3 percent for grants*
25 *to Indian tribal governments performing law enforcement*

1 *functions, to be used for the purposes described in section*
2 *802. To be eligible to receive a grant with amounts set aside*
3 *under this subsection, an Indian tribal government shall*
4 *submit to the Attorney General an application in such form*
5 *and containing such information as the Attorney General*
6 *may by regulation require.*

7 (d) *UNAVAILABILITY AND INACCURACY OF INFORMA-*
8 *TION.—*

9 (1) *DATA FOR STATES.—For purposes of this sec-*
10 *tion, if data regarding part 1 violent crimes in any*
11 *State for the 3 most recent calendar years is unavail-*
12 *able, insufficient, or substantially inaccurate, the Di-*
13 *rector shall utilize the best available comparable data*
14 *regarding the number of violent crimes for such years*
15 *for such State for the purposes of allocation of any*
16 *funds under this Act.*

17 (2) *POSSIBLE INACCURACY OF DATA FOR UNITS*
18 *OF LOCAL GOVERNMENT.—In addition to the provi-*
19 *sions of paragraph (1), if the Director believes that*
20 *the reported rate of part 1 violent crimes or legal ex-*
21 *penditure information for a unit of local government*
22 *is insufficient or inaccurate, the Director shall—*

23 (A) *investigate the methodology used by*
24 *such unit to determine the accuracy of the sub-*
25 *mitted data; and*

1 (B) when necessary, use the best available
2 comparable data regarding the number of violent
3 crimes or legal expenditure information for such
4 years for such unit of local government.

5 SEC. 806. UTILIZATION OF PRIVATE SECTOR. Funds
6 or a portion of funds allocated under this Act may be uti-
7 lized to contract with private, nonprofit entities or commu-
8 nity-based organizations to carry out the purposes specified
9 under section 802(a)(2).

10 SEC. 807. PUBLIC PARTICIPATION. (a) IN GENERAL.—
11 A unit of local government expending payments under this
12 Act shall hold not less than 1 public hearing on the proposed
13 use of the payment from the Director in relation to its en-
14 tire budget.

15 (b) VIEWS.—At the hearing, persons shall be given an
16 opportunity to provide written and oral views to the unit
17 of local government authority responsible for enacting the
18 budget.

19 (c) TIME AND PLACE.—The unit of local government
20 shall hold the hearing at a time and place that allows and
21 encourages public attendance and participation.

22 SEC. 808. ADMINISTRATIVE PROVISIONS. The adminis-
23 trative provisions of part H of the Omnibus Crime Control
24 and Safe Streets Act of 1968 (42 U.S.C. 3782 et seq.), shall
25 apply to this Act and for purposes of this section any ref-

1 *erence in such provisions to title I of the Omnibus Crime*
 2 *Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et*
 3 *seq.) shall be deemed to be a reference to this Act.*

4 *TITLE IX—NATIONAL WHALE CONSERVATION*
 5 *FUND ACT*

6 *SEC. 901. SHORT TITLE. This title may be cited as*
 7 *the “National Whale Conservation Fund Act of 1998”.*

8 *SEC. 902. FINDINGS. Congress finds that—*

9 *(1) the populations of whales that occur in wa-*
 10 *ters of the United States are resources of substantial*
 11 *ecological, scientific, socioeconomic, and esthetic*
 12 *value;*

13 *(2) whale populations—*

14 *(A) form a significant component of marine*
 15 *ecosystems;*

16 *(B) are the subject of intense research;*

17 *(C) provide for a multimillion dollar whale*
 18 *watching tourist industry that provides the pub-*
 19 *lic an opportunity to enjoy and learn about*
 20 *great whales and the ecosystems of which the*
 21 *whales are a part; and*

22 *(D) are of importance to Native Americans*
 23 *for cultural and subsistence purposes;*

24 *(3) whale populations are in various stages of re-*
 25 *covery, and some whale populations, such as the*

1 *northern right whale (Eubaleana glacialis) remain*
2 *perilously close to extinction;*

3 *(4) the interactions that occur between ship traf-*
4 *fic, commercial fishing, whale watching vessels, and*
5 *other recreational vessels and whale populations may*
6 *affect whale populations adversely;*

7 *(5) the exploration and development of oil, gas,*
8 *and hard mineral resources, marine debris, chemical*
9 *pollutants, noise, and other anthropogenic sources of*
10 *change in the habitat of whales may affect whale pop-*
11 *ulations adversely;*

12 *(6) the conservation of whale populations is sub-*
13 *ject to difficult challenges related to—*

14 *(A) the migration of whale populations*
15 *across international boundaries;*

16 *(B) the size of individual whales, as that*
17 *size precludes certain conservation research pro-*
18 *cedures that may be used for other animal spe-*
19 *cies, such as captive research and breeding;*

20 *(C) the low reproductive rates of whales that*
21 *require long-term conservation programs to en-*
22 *sure recovery of whale populations; and*

23 *(D) the occurrence of whale populations in*
24 *offshore waters where undertaking research, mon-*

1 *itoring, and conservation measures is difficult*
2 *and costly;*

3 *(7)(A) the Secretary of Commerce, through the*
4 *Administrator of the National Oceanic and Atmos-*
5 *pheric Administration, has research and regulatory*
6 *responsibility for the conservation of whales under the*
7 *Marine Mammal Protection Act of 1972 (16 U.S.C.*
8 *1361 et seq.); and*

9 *(B) the heads of other Federal agencies and the*
10 *Marine Mammal Commission established under sec-*
11 *tion 201 of the Marine Mammal Protection Act of*
12 *1972 (16 U.S.C. 1401) have related research and*
13 *management activities under the Marine Mammal*
14 *Protection Act of 1972 or the Endangered Species Act*
15 *of 1973 (16 U.S.C. 1531 et seq.);*

16 *(8) the funding available for the activities de-*
17 *scribed in paragraph (8) is insufficient to support all*
18 *necessary whale conservation and recovery activities;*
19 *and*

20 *(9) there is a need to facilitate the use of funds*
21 *from non-Federal sources to carry out the conserva-*
22 *tion of whales.*

23 *SEC. 903. NATIONAL WHALE CONSERVATION FUND.*
24 *Section 4 of the National Fish and Wildlife Establishment*

1 *Act (16 U.S.C. 3703) is amended by adding at the end the*
2 *following:*

3 “(f)(1) *In carrying out the purposes under section 2(b),*
4 *the Foundation may establish a national whale conserva-*
5 *tion endowment fund, to be used by the Foundation to sup-*
6 *port research, management activities, or educational pro-*
7 *grams that contribute to the protection, conservation, or re-*
8 *covery of whale populations in waters of the United States.*

9 “(2)(A) *In a manner consistent with subsection (c)(1),*
10 *the Foundation may—*

11 “(i) *accept, receive, solicit, hold, administer, and*
12 *use any gift, devise, or bequest made to the Founda-*
13 *tion for the express purpose of supporting whale con-*
14 *servation; and*

15 “(ii) *deposit in the endowment fund under para-*
16 *graph (1) any funds made available to the Founda-*
17 *tion under this subparagraph, including any income*
18 *or interest earned from a gift, devise, or bequest re-*
19 *ceived by the Foundation under this subparagraph.*

20 “(B) *To raise funds to be deposited in the endowment*
21 *fund under paragraph (1), the Foundation may enter into*
22 *appropriate arrangements to provide for the design, copy-*
23 *right, production, marketing, or licensing, of logos, seals,*
24 *decals, stamps, or any other item that the Foundation deter-*
25 *mines to be appropriate.*

1 “(C)(i) *The Secretary of Commerce may transfer to the*
2 *Foundation for deposit in the endowment fund under para-*
3 *graph (1)—*

4 “(I) *any amount (or portion thereof) received by*
5 *the Secretary under section 105(a)(1) of the Marine*
6 *Mammal Protection Act of 1972 (16 U.S.C.*
7 *1375(a)(1)) as a civil penalty assessed by the Sec-*
8 *retary under that section; or*

9 “(II) *any amount (or portion thereof) received*
10 *by the Secretary as a settlement or award for dam-*
11 *ages in a civil action or other legal proceeding relat-*
12 *ing to damage of natural resources.*

13 “(ii) *The Directors of the Board shall ensure that any*
14 *amounts transferred to the Foundation under clause (i) for*
15 *the endowment fund under paragraph (1) are deposited in*
16 *that fund in accordance with this subparagraph.*

17 “(3) *It is the intent of Congress that in making ex-*
18 *penditures from the endowment fund under paragraph (1)*
19 *to carry out activities specified in that paragraph, the*
20 *Foundation should give priority to funding projects that*
21 *address the conservation of populations of whales that the*
22 *Foundation determines—*

23 “(A) *are the most endangered (including the*
24 *northern right whale (*Eubaleana glacialis*)); or*

1 “(B) most warrant, and are most likely to bene-
 2 fit from, research management, or educational activi-
 3 ties that may be funded with amounts made available
 4 from the fund.

5 “(g) In carrying out any action on the part of the
 6 Foundation under subsection (f), the Directors of the Board
 7 shall consult with the Administrator of the National Oce-
 8 anic and Atmospheric Administration and the Marine
 9 Mammal Commission.”.

10 TITLE X—VAWA RESTORATION ACT

11 SEC. 1001. SHORT TITLE. This title may be cited as
 12 the “VAWA Restoration Act”.

13 SEC. 1002. REMOVING BARRIERS TO ADJUSTMENT OF
 14 STATUS FOR VICTIMS OF DOMESTIC VIOLENCE. (a) IN GEN-
 15 ERAL.—Section 245 of the Immigration and Nationality
 16 Act (8 U.S.C. 1255) is amended—

17 (1) in subsection (a), by inserting “of an alien
 18 who qualifies for classification under subparagraph
 19 (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section
 20 204(a)(1) or” after “The status”;

21 (2) in subsection (a), by adding at the end the
 22 following: “An alien who qualifies for classification
 23 under subparagraph (A)(iii), (A)(iv), (B)(ii), or
 24 (B)(iii) of section 204(a)(1) who files for adjustment

1 of status under this subsection shall pay a \$1,000 fee,
2 subject to the provisions of section 245(k).”;

3 (3) in subsection (c)(2), by striking “201(b) or a
4 special” and inserting “201(b), an alien who qualifies
5 for classification under subparagraph (A)(iii),
6 (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1), or a
7 special”;

8 (4) in subsection (c)(4), by striking “201(b))”
9 and inserting “201(b) or an alien who qualifies for
10 classification under subparagraph (A)(iii), (A)(iv),
11 (B)(ii), or (B)(iii) of section 204(a)(1))”;

12 (5) in subsection (c)(5), by inserting “(other
13 than an alien who qualifies for classification under
14 subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of
15 section 204(a)(1))” after “an alien”; and

16 (6) in subsection (c)(8), by inserting “(other
17 than an alien who qualifies for classification under
18 subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of
19 section 204(a)(1))” after “any alien”.

20 (b) *EFFECTIVE DATE.*—The amendments made by sub-
21 section (a) shall apply to applications for adjustment of sta-
22 tus pending on or after the date of the enactment of this
23 title.

1 *SEC. 1003. REMOVING BARRIERS TO CANCELLATION*
2 *OF REMOVAL AND SUSPENSION OF DEPORTATION FOR VIC-*
3 *TIMS OF DOMESTIC VIOLENCE. (a) IN GENERAL.—*

4 *(1) SPECIAL RULE FOR CALCULATING CONTINU-*
5 *OUS PERIOD FOR BATTERED SPOUSE OR CHILD.—*
6 *Paragraph (1) of section 240A(d) of the Immigration*
7 *and Nationality Act (8 U.S.C. 1229b(d)(1)) is*
8 *amended to read as follows:*

9 *“(1) TERMINATION OF CONTINUOUS PERIOD.—*

10 *“(A) IN GENERAL.—Except as provided in*
11 *subparagraph (B), for purposes of this section,*
12 *any period of continuous residence or continuous*
13 *physical presence in the United States shall be*
14 *deemed to end when the alien is served a notice*
15 *to appear under section 239(a) or when the alien*
16 *has committed an offense referred to in section*
17 *212(a)(2) that renders the alien inadmissible to*
18 *the United States under section 212(a)(2) or re-*
19 *movable from the United States under section*
20 *237(a)(2) or 237(a)(4), whichever is earliest.*

21 *“(B) SPECIAL RULE FOR BATTERED SPOUSE*
22 *OR CHILD.—For purposes of subsection (b)(2),*
23 *the service of a notice to appear referred to in*
24 *subparagraph (A) shall not be deemed to end*

1 *any period of continuous physical presence in*
 2 *the United States.”.*

3 (2) *EXEMPTION FROM ANNUAL LIMITATION ON*
 4 *CANCELLATION OF REMOVAL FOR BATTERED SPOUSE*
 5 *OR CHILD.—Section 240A(e)(3) of the Immigration*
 6 *and Nationality Act (8 U.S.C. 1229b(e)(3)) is amend-*
 7 *ed by adding at the end the following:*

8 *“(C) Aliens whose removal is canceled under*
 9 *subsection (b)(2).”.*

10 (3) *EFFECTIVE DATE.—The amendments made*
 11 *by paragraphs (1) and (2) shall take effect as if in-*
 12 *cluded in the enactment of section 304 of the Illegal*
 13 *Immigration Reform and Immigrant Responsibility*
 14 *Act of 1996 (Public Law 104–208; 110 Stat. 587).*

15 (b) *MODIFICATION OF CERTAIN TRANSITION RULES*
 16 *FOR BATTERED SPOUSE OR CHILD.—*

17 (1) *IN GENERAL.—Subparagraph (C) of section*
 18 *309(c)(5) of the Illegal Immigration Reform and Im-*
 19 *migrant Responsibility Act of 1996 (8 U.S.C. 1101*
 20 *note) (as amended by section 203 of the Nicaraguan*
 21 *Adjustment and Central American Relief Act) is*
 22 *amended—*

23 (A) *by amending the subparagraph heading*
 24 *to read as follows:*

“(C) *SPECIAL RULE FOR CERTAIN ALIENS GRANTED TEMPORARY PROTECTION FROM DEPORTATION AND FOR BATTERED SPOUSES AND CHILDREN.—*”; and

(B) *in clause (i)—*

(i) *by striking “or” at the end of subclause (IV);*

(ii) *by striking the period at the end of subclause (V) and inserting “; or”; and*

(iii) *by adding at the end the following:*

“(VI) *is an alien who was issued an order to show cause or was in deportation proceedings prior to April 1, 1997, and who applied for suspension of deportation under section 244(a)(3) of the Immigration and Nationality Act (as in effect before the date of the enactment of this Act).*”.

(2) *EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note).*

1 *SEC. 1004. ELIMINATING TIME LIMITATIONS ON MO-*
2 *TIONS TO REOPEN REMOVAL AND DEPORTATION PROCEED-*
3 *INGS FOR VICTIMS OF DOMESTIC VIOLENCE. (a) REMOVAL*
4 *PROCEEDINGS.—*

5 (1) *IN GENERAL.—Section 240(c)(6)(C) of the*
6 *Immigration and Nationality Act (8 U.S.C.*
7 *1229a(c)(6)(C)) is amended by adding at the end the*
8 *following:*

9 “(iv) *SPECIAL RULE FOR BATTERED*
10 *SPOUSES AND CHILDREN.—There is no time*
11 *limit on the filing of a motion to reopen,*
12 *and the deadline specified in subsection*
13 *(b)(5)(C) does not apply, if the basis of the*
14 *motion is to apply for adjustment of status*
15 *based on a petition filed under clause (iii)*
16 *or (iv) of section 204(a)(1)(A), clause (ii) or*
17 *(iii) of section 204(a)(1)(B), or section*
18 *240A(b)(2) and if the motion to reopen is*
19 *accompanied by a cancellation of removal*
20 *application to be filed with the Attorney*
21 *General or by a copy of the self-petition*
22 *that will be filed with the Immigration and*
23 *Naturalization Service upon the granting of*
24 *the motion to reopen.”.*

1 (2) *EFFECTIVE DATE.*—*The amendments made*
2 *by paragraph (1) shall take effect as if included in*
3 *the enactment of section 304 of the Illegal Immigra-*
4 *tion Reform and Immigrant Responsibility Act of*
5 *1996 (Public Law 104–208; 110 Stat. 587).*

6 (b) *DEPORTATION PROCEEDINGS.*—

7 (1) *IN GENERAL.*—*Notwithstanding any limita-*
8 *tion imposed by law on motions to reopen deportation*
9 *proceedings under the Immigration and Nationality*
10 *Act (as in effect before the title III–A effective date in*
11 *section 309 of the Illegal Immigration Reform and*
12 *Immigrant Responsibility Act of 1996 (8 U.S.C. 1101*
13 *note)), there is no time limit on the filing of a motion*
14 *to reopen such proceedings, and the deadline specified*
15 *in section 242B(c)(3) of the Immigration and Nation-*
16 *ality Act (as so in effect) does not apply, if the basis*
17 *of the motion is to apply for relief under clause (iii)*
18 *or (iv) of section 204(a)(1)(A) of the Immigration*
19 *and Nationality Act, clause (ii) or (iii) of section*
20 *204(a)(1)(B) of such Act, or section 244(a)(3) of such*
21 *Act (as so in effect) and if the motion to reopen is*
22 *accompanied by a cancellation of removal application*
23 *to be filed with the Attorney General or by a copy of*
24 *the self-petition that will be filed with the Immigra-*

1 *tion and Naturalization Service upon the granting of*
2 *the motion to reopen.*

3 (2) *APPLICABILITY.*—*Paragraph (1) shall apply*
4 *to motions filed by aliens who—*

5 (A) *are, or were, in deportation proceedings*
6 *under the Immigration and Nationality Act (as*
7 *in effect before the title III–A effective date in*
8 *section 309 of the Illegal Immigration Reform*
9 *and Immigrant Responsibility Act of 1996 (8*
10 *U.S.C. 1101 note)); and*

11 (B) *have become eligible to apply for relief*
12 *under clause (iii) or (iv) of section 204(a)(1)(A)*
13 *of the Immigration and Nationality Act, clause*
14 *(ii) or (iii) of section 204(a)(1)(B) of such Act,*
15 *or section 244(a)(3) of such Act (as in effect be-*
16 *fore the title III–A effective date in section 309*
17 *of the Illegal Immigration Reform and Immig-*
18 *grant Responsibility Act of 1996 (8 U.S.C. 1101*
19 *note)) as a result of the amendments made by—*

20 (i) *subtitle G of title IV of the Violent*
21 *Crime Control and Law Enforcement Act of*
22 *1994 (Public Law 103–322; 108 Stat. 1953*
23 *et seq.); or*

24 (ii) *section 1003 of this title.*

4 *SHORT TITLE.*—This title may be cited as the “Agricul-
5 tural Job Opportunity Benefits and Security Act of 1998”.

6 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
7 *title is as follows:*

Sec. 1116. Effective date.

(1) *ADVERSE EFFECT WAGE RATE.*—The term “adverse effect wage rate” means the rate of pay for an agricultural occupation that is 5-percent above the prevailing rate of pay for that agricultural occupation in an area of intended employment, if the average hourly equivalent of the prevailing rate of pay for the occupation is less than the prior year’s average hourly earnings of field and livestock workers for the State (or region that includes the State), as determined by the Secretary of Agriculture. No adverse ef-

1 *fect wage rate shall be more than the prior year's av-*
2 *erage hourly earnings of field and livestock workers*
3 *for the State (or region that includes the State), as*
4 *determined by the Secretary of Agriculture.*

5 (2) *AGRICULTURAL EMPLOYMENT.*—*The term*
6 *“agricultural employment” means any service or ac-*
7 *tivity included within the provisions of section 3(f) of*
8 *the Fair Labor Standards Act of 1938 (29 U.S.C.*
9 *203(f)) or section 3121(g) of the Internal Revenue*
10 *Code of 1986 and the handling, planting, drying,*
11 *packing, packaging, processing, freezing, or grading*
12 *prior to delivery for storage of any agricultural or*
13 *horticultural commodity in its unmanufactured state.*

14 (3) *ELIGIBLE.*—*The term “eligible” as used with*
15 *respect to workers or individuals, means individuals*
16 *authorized to be employed in the United States as*
17 *provided for in section 274A(h)(3) of the Immigration*
18 *and Nationality Act (8 U.S.C. 1188).*

19 (4) *EMPLOYER.*—*The term “employer” means*
20 *any person or entity, including any independent con-*
21 *tractor and any agricultural association, that em-*
22 *ployes workers.*

23 (5) *JOB OPPORTUNITY.*—*The term “job oppor-*
24 *tunity” means a specific period of employment for a*

1 *worker in one or more specified agricultural activi-*
2 *ties.*

3 (6) *PREVAILING WAGE.*—*The term “prevailing*
4 *wage” means with respect to an agricultural activity*
5 *in an area of intended employment, the rate of wages*
6 *that includes the 51st percentile of employees in that*
7 *agricultural activity in the area of intended employ-*
8 *ment, expressed in terms of the prevailing method of*
9 *pay for the agricultural activity in the area of in-*
10 *tended employment.*

11 (7) *REGISTERED WORKER.*—*The term “reg-*
12 *istered worker” means an individual whose name ap-*
13 *pears in a registry.*

14 (8) *REGISTRY.*—*The term “registry” means an*
15 *agricultural worker registry established under section*
16 *1103(a).*

17 (9) *SECRETARY.*—*The term “Secretary” means*
18 *the Secretary of Labor.*

19 (10) *UNITED STATES WORKER.*—*The term*
20 *“United States worker” means any worker, whether a*
21 *United States citizen, a United States national, or an*
22 *alien who is authorized to work in the job oppor-*
23 *tunity within the United States other than an alien*
24 *admitted pursuant to section 101(a)(15)(H)(i)(a) or*

1 *218 of the Immigration and Nationality Act, as in ef-*
2 *fect on the effective date of this title.*

3 *SEC. 1103. AGRICULTURAL WORKER REGISTRIES. (a)*

4 *ESTABLISHMENT OF REGISTRIES.—*

5 *(1) IN GENERAL.—The Secretary of Labor shall*
6 *establish and maintain a system of registries contain-*
7 *ing a current database of eligible United States work-*
8 *ers who seek to perform temporary or seasonal agri-*
9 *cultural work and the employment status of such*
10 *workers—*

11 *(A) to ensure that eligible United States*
12 *workers are informed about available agricul-*
13 *tural job opportunities;*

14 *(B) to maximize the work period for eligible*
15 *United States workers; and*

16 *(C) to provide timely referral of such work-*
17 *ers to temporary and seasonal agricultural job*
18 *opportunities in the United States.*

19 *(2) COVERAGE.—*

20 *(A) SINGLE STATE OR GROUP OF STATES.—*

21 *Each registry established under paragraph (1)*
22 *shall include the job opportunities in a single*
23 *State, or a group of contiguous States that tradi-*
24 *tionally share a common pool of seasonal agri-*
25 *cultural workers.*

1 (B) *REQUESTS FOR INCLUSION.*—*Each*
2 *State requesting inclusion in a registry, or hav-*
3 *ing any group of agricultural producers seeking*
4 *to utilize the registry, shall be represented by a*
5 *registry or by a registry of contiguous States.*

6 (b) *REGISTRATION.*—

7 (1) *IN GENERAL.*—*An eligible individual who*
8 *seeks employment in temporary or seasonal agricul-*
9 *tural work may apply to be included in the registry*
10 *for the State or States in which the individual seeks*
11 *employment. Such application shall include—*

12 (A) *the name and address of the individual;*

13 (B) *the period or periods of time (including*
14 *beginning and ending dates) during which the*
15 *individual will be available for temporary or*
16 *seasonal agricultural work;*

17 (C) *the registry or registries on which the*
18 *individual desires to be included;*

19 (D) *the specific qualifications and work ex-*
20 *perience possessed by the applicant;*

21 (E) *the type or types of temporary or sea-*
22 *sonal agricultural work the applicant is willing*
23 *to perform;*

24 (F) *such other information as the applicant*
25 *wishes to be taken into account in referring the*

1 *applicant to temporary or seasonal agricultural*
2 *job opportunities; and*

3 *(G) such other information as may be re-*
4 *quired by the Secretary.*

5 (2) *VALIDATION OF EMPLOYMENT AUTHORIZA-*
6 *TION.—No person may be included on any registry*
7 *unless the Attorney General has certified to the Sec-*
8 *retary of Labor that the person is authorized to be*
9 *employed in the United States.*

10 (3) *WORKERS REFERRED TO JOB OPPORTUNI-*
11 *TIES.—The name of each registered worker who is re-*
12 *ferred and accepts employment with an employer*
13 *pursuant to section 1105 shall be classified as inac-*
14 *tive on each registry on which the worker is included*
15 *during the period of employment involved in the job*
16 *to which the worker was referred, unless the worker*
17 *reports to the Secretary that the worker is no longer*
18 *employed and is available for referral to another job*
19 *opportunity. A registered worker classified as inactive*
20 *shall not be referred pursuant to section 1105.*

21 (4) *REMOVAL OF NAMES FROM A REGISTRY.—*
22 *The Secretary shall remove from all registries the*
23 *name of any registered worker who, on 3 separate oc-*
24 *casions within a 3-month period, is referred to a job*
25 *opportunity pursuant to this section, and who de-*

1 *clines such referral or fails to report to work in a*
2 *timely manner.*

3 (5) *VOLUNTARY REMOVAL.*—*A registered worker*
4 *may request that the worker's name be removed from*
5 *a registry or from all registries.*

6 (6) *REMOVAL BY EXPIRATION.*—*The application*
7 *of a registered worker shall expire, and the Secretary*
8 *shall remove the name of such worker from all reg-*
9 *istries if the worker has not accepted a job oppor-*
10 *tunity pursuant to this section within the preceding*
11 *12-month period.*

12 (7) *REINSTATEMENT.*—*A worker whose name is*
13 *removed from a registry pursuant to paragraph (4),*
14 *(5), or (6) may apply to the Secretary for reinstate-*
15 *ment to such registry at any time.*

16 (c) *CONFIDENTIALITY OF REGISTRIES.*—*The Secretary*
17 *shall maintain the confidentiality of the registries estab-*
18 *lished pursuant to this section, and the information in such*
19 *registries shall not be used for any purposes other than those*
20 *authorized in this title.*

21 (d) *ADVERTISING OF REGISTRIES.*—*The Secretary*
22 *shall widely disseminate, through advertising and other*
23 *means, the existence of the registries for the purpose of en-*
24 *couraging eligible United States workers seeking temporary*
25 *or seasonal agricultural job opportunities to register.*

1 *SEC. 1104. EMPLOYER APPLICATIONS AND ASSUR-*
2 *ANCES. (a) APPLICATIONS TO THE SECRETARY.—*

3 *(1) IN GENERAL.—Not later than 21 days prior*
4 *to the date on which an agricultural employer desires*
5 *to employ a registered worker in a temporary or sea-*
6 *sonal agricultural job opportunity, the employer shall*
7 *apply to the Secretary for the referral of a United*
8 *States worker through a search of the appropriate reg-*
9 *istry, in accordance with section 1105. Such applica-*
10 *tion shall—*

11 *(A) describe the nature and location of the*
12 *work to be performed;*

13 *(B) list the anticipated period (expected be-*
14 *ginning and ending dates) for which workers*
15 *will be needed;*

16 *(C) indicate the number of job opportunities*
17 *in which the employer seeks to employ workers*
18 *from the registry;*

19 *(D) describe the bona fide occupational*
20 *qualifications that must be possessed by a worker*
21 *to be employed in the job opportunity in ques-*
22 *tion;*

23 *(E) describe the wages and other terms and*
24 *conditions of employment the employer will offer,*

1 *which shall not be less (and are not required to*
2 *be more) than those required by this section;*

3 *(F) contain the assurances required by sub-*
4 *section (c); and*

5 *(G) specify the foreign country or region*
6 *thereof from which alien workers should be ad-*
7 *mitted in the case of a failure to refer United*
8 *States workers under this title.*

9 (2) *APPLICATIONS BY ASSOCIATIONS ON BEHALF*
10 *OF EMPLOYER MEMBERS.—*

11 (A) *IN GENERAL.—An agricultural associa-*
12 *tion may file an application under paragraph*
13 *(1) for registered workers on behalf of its em-*
14 *ployer members.*

15 (B) *EMPLOYERS.—An application under*
16 *subparagraph (A) shall cover those employer*
17 *members of the association that the association*
18 *certifies in its application have agreed in writ-*
19 *ing to comply with the requirements of this title.*

20 (b) *AMENDMENT OF APPLICATIONS.—Prior to receiv-*
21 *ing a referral of workers from a registry, an employer may*
22 *amend an application under this subsection if the employ-*
23 *er's need for workers changes. If an employer amends an*
24 *application on a date which is later than 21 days prior*
25 *to the date on which the workers on the amended applica-*

1 *tion are sought to be employed, the Secretary may delay*
2 *issuance of the report described in section 1105(b) by the*
3 *number of days by which the filing of the amended applica-*
4 *tion is later than 21 days before the date on which the em-*
5 *ployer desires to employ workers.*

6 *(c) ASSURANCES.—The assurances referred to in sub-*
7 *section (a)(1)(F) are the following:*

8 *(1) ASSURANCE THAT THE JOB OPPORTUNITY IS*
9 *NOT A RESULT OF A LABOR DISPUTE.—The employer*
10 *shall assure that the job opportunity for which the*
11 *employer requests a registered worker is not vacant*
12 *because a worker is involved in a strike, lockout, or*
13 *work stoppage in the course of a labor dispute involv-*
14 *ing the job opportunity at the place of employment.*

15 *(2) ASSURANCE THAT THE JOB OPPORTUNITY IS*
16 *TEMPORARY OR SEASONAL.—*

17 *(A) REQUIRED ASSURANCE.—The employer*
18 *shall assure that the job opportunity for which*
19 *the employer requests a registered worker is tem-*
20 *porary or seasonal.*

21 *(B) SEASONAL BASIS.—For purposes of this*
22 *title, labor is performed on a seasonal basis*
23 *where, ordinarily, the employment pertains to or*
24 *is of the kind exclusively performed at certain*
25 *seasons or periods of the year and which, from*

1 *its nature, may not be continuous or carried on*
2 *throughout the year.*

3 (C) *TEMPORARY BASIS.*—*For purposes of*
4 *this title, a worker is employed on a temporary*
5 *basis where the employment is intended not to*
6 *exceed 10 months.*

7 (3) *ASSURANCE OF PROVISION OF REQUIRED*
8 *WAGES AND BENEFITS.*—*The employer shall assure*
9 *that the employer will provide the wages and benefits*
10 *required by subsections (a), (b), and (c) of section*
11 *1107 to all workers employed in job opportunities for*
12 *which the employer has applied under subsection (a)*
13 *and to all other workers in the same occupation at the*
14 *place of employment.*

15 (4) *ASSURANCE OF EMPLOYMENT.*—*The em-*
16 *ployer shall assure that the employer will refuse to*
17 *employ individuals referred under section 1105, or*
18 *terminate individuals employed pursuant to this title,*
19 *only for lawful job-related reasons, including lack of*
20 *work.*

21 (5) *ASSURANCE OF COMPLIANCE WITH LABOR*
22 *LAWS.*—

23 (A) *IN GENERAL.*—*An employer who re-*
24 *quests registered workers shall assure that, except*
25 *as otherwise provided in this title, the employer*

1 *will comply with all applicable Federal, State,*
2 *and local labor laws, including laws affecting*
3 *migrant and seasonal agricultural workers, with*
4 *respect to all United States workers and alien*
5 *workers employed by the employer.*

6 (B) *LIMITATIONS.—The disclosure required*
7 *under section 201(a) of the Migrant and Sea-*
8 *sonal Agricultural Worker Protection Act (29*
9 *U.S.C. 1821(a)) may be made at any time prior*
10 *to the time the alien is issued a visa permitting*
11 *entry into the United States.*

12 (6) *ASSURANCE OF ADVERTISING OF THE REG-*
13 *ISTRY.—The employer shall assure that the employer*
14 *will, from the day an application for workers is sub-*
15 *mitted under subsection (a), and continuing through-*
16 *out the period of employment of any job opportunity*
17 *for which the employer has applied for a worker from*
18 *the registry, post in a conspicuous place a poster to*
19 *be provided by the Secretary advertising the avail-*
20 *ability of the registry.*

21 (7) *ASSURANCE OF CONTACTING FORMER WORK-*
22 *ERS.—The employer shall assure that the employer*
23 *has made reasonable efforts through the sending of a*
24 *letter by United States Postal Service mail, or other-*
25 *wise, to contact any eligible worker the employer em-*

1 *ployed during the previous season in the occupation*
2 *at the place of intended employment for which the*
3 *employer is applying for registered workers, and has*
4 *made the availability of the employer's job opportuni-*
5 *ties in the occupation at the place of intended em-*
6 *ployment known to such previous worker, unless the*
7 *worker was terminated from employment by the em-*
8 *ployer for a lawful job-related reason or abandoned*
9 *the job before the worker completed the period of em-*
10 *ployment of the job opportunity for which the worker*
11 *was hired.*

12 (8) *ASSURANCE OF PROVISION OF WORKERS*
13 *COMPENSATION.—The employer shall assure that if*
14 *the job opportunity is not covered by the State work-*
15 *ers' compensation law, that the employer will provide,*
16 *at no cost to the worker, insurance covering injury*
17 *and disease arising out of and in the course of the*
18 *worker's employment which will provide benefits at*
19 *least equal to those provided under the State workers'*
20 *compensation law for comparable employment.*

21 (d) *WITHDRAWAL OF APPLICATIONS.—*

22 (1) *IN GENERAL.—An employer may withdraw*
23 *an application under subsection (a), except that, if*
24 *the employer is an agricultural association, the asso-*
25 *ciation may withdraw an application under sub-*

1 *section (a) with respect to one or more of its members.*
2 *To withdraw an application, the employer shall no-*
3 *tify the Secretary in writing, and the Secretary shall*
4 *acknowledge in writing the receipt of such withdrawal*
5 *notice. An employer who withdraws an application*
6 *under subsection (a), or on whose behalf an applica-*
7 *tion is withdrawn, is relieved of the obligations un-*
8 *dertaken in the application.*

9 (2) *LIMITATION.—An application may not be*
10 *withdrawn while any alien provided status under this*
11 *title pursuant to such application is employed by the*
12 *employer.*

13 (3) *OBLIGATIONS UNDER OTHER STATUTES.—*
14 *Any obligation incurred by an employer under any*
15 *other law or regulation as a result of recruitment of*
16 *United States workers under an offer of terms and*
17 *conditions of employment required as a result of mak-*
18 *ing an application under subsection (a) is unaffected*
19 *by withdrawal of such application.*

20 (e) *REVIEW OF APPLICATION.—*

21 (1) *IN GENERAL.—Promptly upon receipt of an*
22 *application by an employer under subsection (a), the*
23 *Secretary shall review the application for compliance*
24 *with the requirements of such subsection.*

1 (2) *APPROVAL OF APPLICATIONS.*—If the Sec-
2 retary determines that an application meets the re-
3 quirements of subsection (a), and the employer is not
4 ineligible to apply under paragraph (2), (3), or (4)
5 of section 1108(b), the Secretary shall, not later than
6 7 days after the receipt of such application, approve
7 the application and so notify the employer.

8 (3) *REJECTION OF APPLICATIONS.*—If the Sec-
9 retary determines that an application fails to meet 1
10 or more of the requirements of subsection (a), the Sec-
11 retary, as expeditiously as possible, but in no case
12 later than 7 days after the receipt of such application,
13 shall—

14 (A) *notify the employer of the rejection of*
15 *the application and the reasons for such rejec-*
16 *tion, and provide the opportunity for the prompt*
17 *resubmission of an amended application; and*

18 (B) *offer the applicant an opportunity to*
19 *request an expedited administrative review or a*
20 *de novo administrative hearing before an admin-*
21 *istrative law judge of the rejection of the applica-*
22 *tion.*

23 (4) *REJECTION FOR PROGRAM VIOLATIONS.*—The
24 Secretary shall reject the application of an employer
25 under this section if the employer has been deter-

1 *mined to be ineligible to employ workers under sec-*
2 *tion 1108(b) or subsection (b)(2) of section 218 of the*
3 *Immigration and Nationality Act (8 U.S.C. 1188).*

4 *SEC. 1105. SEARCH OF REGISTRY. (a) SEARCH PROC-*
5 *ESS AND REFERRAL TO THE EMPLOYER.—Upon the ap-*
6 *proval of an application under section 1104(e), the Sec-*
7 *retary shall promptly begin a search of the registry of the*
8 *State (or States) in which the work is to be performed to*
9 *identify registered workers with the qualifications requested*
10 *by the employer. The Secretary shall contact such qualified*
11 *registered workers and determine, in each instance, whether*
12 *the worker is ready, willing, and able to accept the employ-*
13 *er's job opportunity and will commit to work for the em-*
14 *ployer at the time and place needed. The Secretary shall*
15 *provide to each worker who commits to work for the em-*
16 *ployer the employer's name, address, telephone number, the*
17 *location where the employer has requested that employees*
18 *report for employment, and a statement disclosing the terms*
19 *and conditions of employment.*

20 *(b) DEADLINE FOR COMPLETING SEARCH PROCESS;*
21 *REFERRAL OF WORKERS.—As expeditiously as possible, but*
22 *not later than 7 days before the date on which an employer*
23 *desires work to begin, the Secretary shall complete the*
24 *search under subsection (a) and shall transmit to the em-*
25 *ployer a report containing the name, address, and social*

1 security account number of each registered worker who has
 2 committed to work for the employer on the date needed, to-
 3 gether with sufficient information to enable the employer
 4 to establish contact with the worker. The identification of
 5 such registered workers in a report shall constitute a refer-
 6 ral of workers under this section.

7 (c) NOTICE OF INSUFFICIENT WORKERS.—If the report
 8 provided to the employer under subsection (b) does not in-
 9 clude referral of a sufficient number of registered workers
 10 to fill all of the employer's job opportunities in the occupa-
 11 tion for which the employer applied under section 1104(a),
 12 the Secretary shall indicate in the report the number of job
 13 opportunities for which registered workers could not be re-
 14 ferred, and promptly transmit a copy of the report to the
 15 Attorney General and the Secretary of State, by electronic
 16 or other means ensuring next day delivery.

17 SEC. 1106. ISSUANCE OF VISAS AND ADMISSION OF
 18 ALIENS. (a) IN GENERAL.—

19 (1) NUMBER OF ADMISSIONS.—The Secretary of
 20 State shall promptly issue visas to, and the Attorney
 21 General shall admit, a sufficient number of eligible
 22 aliens designated by the employer to fill the job op-
 23 portunities of the employer—

24 (A) upon receipt of a copy of the report de-
 25 scribed in section 1105(c);

1 (B) upon receipt of an application (or copy
2 of an application under subsection (b));

3 (C) upon receipt of the report required by
4 subsection (c)(1)(B); or

5 (D) upon receipt of a report under sub-
6 section (d).

7 (2) *PROCEDURES.*—The admission of aliens
8 under paragraph (1) shall be subject to the procedures
9 of section 218A of the Immigration and Nationality
10 Act, as added by this title.

11 (3) *AGRICULTURAL ASSOCIATIONS.*—Aliens ad-
12 mitted pursuant to a report described in paragraph
13 (1) may be employed by any member of the agricul-
14 tural association that has made the certification re-
15 quired by section 1104(a)(2)(B). Independent contrac-
16 tors, agricultural associations, and such similar enti-
17 ties shall be subject to a cap on the number of H2-
18 A visas that they may sponsor at the discretion of the
19 Secretary of Labor.

20 (b) *DIRECT APPLICATION UPON FAILURE TO ACT.*—

21 (1) *APPLICATION TO THE SECRETARY OF*
22 *STATE.*—If the employer has not received a referral of
23 sufficient workers pursuant to section 1105(b) or a re-
24 port of insufficient workers pursuant to section
25 1105(c), by the date that is 7 days before the date on

1 *which the work is anticipated to begin, the employer*
2 *may submit an application for alien workers directly*
3 *to the Secretary of State, with a copy of the applica-*
4 *tion provided to the Attorney General, seeking the*
5 *issuance of visas to and the admission of aliens for*
6 *employment in the job opportunities for which the*
7 *employer has not received referral of registered work-*
8 *ers. Such an application shall include a copy of the*
9 *employer's application under section 1104(a), together*
10 *with evidence of its timely submission. The Secretary*
11 *of State may consult with the Secretary of Labor in*
12 *carrying out this paragraph.*

13 (2) *EXPEDITED CONSIDERATION BY SECRETARY*
14 *OF STATE.—The Secretary of State shall, as expedi-*
15 *tiously as possible, but not later than 5 days after the*
16 *employer files an application under paragraph (1),*
17 *issue visas to, and the Attorney General shall admit,*
18 *a sufficient number of eligible aliens designated by the*
19 *employer to fill the job opportunities for which the*
20 *employer has applied under that paragraph.*

21 (c) *REDETERMINATION OF NEED.—*

22 (1) *REQUESTS FOR REDETERMINATION.—*

23 (A) *IN GENERAL.—An employer may file a*
24 *request for a redetermination by the Secretary of*
25 *the needs of the employer if—*

1 (i) a worker referred from the registry
2 is not at the place of employment on the
3 date of need shown on the application, or
4 the date the work for which the worker is
5 needed has begun, whichever is later;

6 (ii) the worker is not ready, willing,
7 able, or qualified to perform the work re-
8 quired; or

9 (iii) the worker abandons the employ-
10 ment or is terminated for a lawful job-relat-
11 ed reason.

12 (B) *ADDITIONAL AUTHORIZATION OF AD-*
13 *MISSIONS.*—The Secretary shall expeditiously,
14 but in no case later than 72 hours after a rede-
15 termination is requested under subparagraph
16 (A), submit a report to the Secretary of State
17 and the Attorney General providing notice of a
18 need for workers under this subsection.

19 (2) *JOB-RELATED REQUIREMENTS.*—An em-
20 ployer shall not be required to initially employ a
21 worker who fails to meet lawful job-related employ-
22 ment criteria, nor to continue the employment of a
23 worker who fails to meet lawful, job-related standards
24 of conduct and performance, including failure to meet

1 *minimum production standards after a 3-day break-*
 2 *in period.*

3 (d) *EMERGENCY APPLICATIONS.*—*Notwithstanding*
 4 *subsections (b) and (c), the Secretary may promptly trans-*
 5 *mit a report to the Attorney General and Secretary of State*
 6 *providing notice of a need for workers under this subsection*
 7 *for an employer—*

8 (1) *who has not employed aliens under this title*
 9 *in the occupation in question in the prior year's agri-*
 10 *cultural season;*

11 (2) *who faces an unforeseen need for workers (as*
 12 *determined by the Secretary); and*

13 (3) *with respect to whom the Secretary cannot*
 14 *refer able, willing, and qualified workers from the reg-*
 15 *istry who will commit to be at the employer's place*
 16 *of employment and ready for work within 72 hours*
 17 *or on the date the work for which the worker is needed*
 18 *has begun, whichever is later.*

19 (e) *REGULATIONS.*—*The Secretary of State shall pre-*
 20 *scribe regulations to provide for the designation of aliens*
 21 *under this section.*

22 *SEC. 1107. EMPLOYMENT REQUIREMENTS. (a) RE-*
 23 *QUIRED WAGES.—*

24 (1) *IN GENERAL.*—*An employer applying under*
 25 *section 1104(a) for workers shall offer to pay, and*

1 *shall pay, all workers in the occupation or occupa-*
2 *tions for which the employer has applied for workers*
3 *from the registry, not less (and is not required to pay*
4 *more) than the greater of the prevailing wage in the*
5 *occupation in the area of intended employment or the*
6 *adverse effect wage rate.*

7 (2) *PAYMENT OF PREVAILING WAGE DETERMINED*
8 *BY A STATE EMPLOYMENT SECURITY AGENCY SUFFI-*
9 *CIENT.—In complying with paragraph (1), an em-*
10 *ployer may request and obtain a prevailing wage de-*
11 *termination from the State employment security*
12 *agency. If the employer requests such a determina-*
13 *tion, and pays the wage required by paragraph (1)*
14 *based upon such a determination, such payment shall*
15 *be considered sufficient to meet the requirement of*
16 *paragraph (1).*

17 (3) *RELIANCE ON WAGE SURVEY.—In lieu of the*
18 *procedure of paragraph (2), an employer may rely on*
19 *other information, such as an employer-generated pre-*
20 *vailing wage survey and determination that meets*
21 *criteria specified by the Secretary.*

22 (4) *ALTERNATIVE METHODS OF PAYMENT PER-*
23 *MITTED.—*

24 (A) *IN GENERAL.—A prevailing wage may*
25 *be expressed as an hourly wage, a piece rate, a*

1 *task rate, or other incentive payment method, in-*
2 *cluding a group rate. The requirement to pay at*
3 *least the prevailing wage in the occupation and*
4 *area of intended employment does not require an*
5 *employer to pay by the method of pay in which*
6 *the prevailing rate is expressed, except that, if*
7 *the employer adopts a method of pay other than*
8 *the prevailing rate, the burden of proof is on the*
9 *employer to demonstrate that the employer's*
10 *method of pay is designed to produce earnings*
11 *equivalent to the earnings that would result from*
12 *payment of the prevailing rate.*

13 *(B) COMPLIANCE WHEN PAYING AN INCEN-*
14 *TIVE RATE.—In the case of an employer that*
15 *pays a piece rate or task rate or uses any other*
16 *incentive payment method, including a group*
17 *rate, the employer shall be considered to be in*
18 *compliance with any applicable hourly wage re-*
19 *quirement if the average of the hourly earnings*
20 *of the workers, taken as a group, the activity for*
21 *which a piece rate, task rate, or other incentive*
22 *payment, including a group rate, is paid, for the*
23 *pay period, is at least equal to the required*
24 *hourly wage.*

1 (C) *TASK RATE.*—For purposes of this
2 paragraph, the term “task rate” means an incen-
3 tive payment method based on a unit of work
4 performed such that the incentive rate varies
5 with the level of effort required to perform indi-
6 vidual units of work.

7 (D) *GROUP RATE.*—For purposes of this
8 paragraph, the term “group rate” means an in-
9 centive payment method in which the payment is
10 shared among a group of workers working to-
11 gether to perform the task.

12 (b) *REQUIREMENT TO PROVIDE HOUSING.*—

13 (1) *IN GENERAL.*—An employer applying under
14 section 1104(a) for registered workers shall offer to
15 provide housing at no cost (except for charges per-
16 mitted by paragraph (5)) to all workers employed in
17 job opportunities to which the employer has applied
18 under that section, and to all other workers in the
19 same occupation at the place of employment, whose
20 permanent place of residence is beyond normal com-
21 muting distance.

22 (2) *TYPE OF HOUSING.*—In complying with
23 paragraph (1), an employer may, at the employer’s
24 election, provide housing that meets applicable Fed-
25 eral standards for temporary labor camps or secure

1 housing that meets applicable local standards for
2 rental or public accommodation housing or other sub-
3 stantially similar class of habitation, or, in the ab-
4 sence of applicable local standards, State standards
5 for rental or public accommodation housing or other
6 substantially similar class of habitation.

7 (3) *WORKERS ENGAGED IN THE RANGE PRODUC-*
8 *TION OF LIVESTOCK.*—The Secretary shall issue regu-
9 lations that address the specific requirements for the
10 provision of housing to workers engaged in the range
11 production of livestock.

12 (4) *LIMITATION.*—Nothing in this subsection
13 shall be construed to require an employer to provide
14 or secure housing for persons who were not entitled to
15 such housing under the temporary labor certification
16 regulations in effect on June 1, 1986.

17 (5) *CHARGES FOR HOUSING.*—

18 (A) *UTILITIES AND MAINTENANCE.*—An em-
19 ployer who provides housing to a worker pursu-
20 ant to paragraph (1) may charge an amount
21 equal to the fair market value (but not greater
22 than the employer's actual cost) for maintenance
23 and utilities, or such lesser amount as permitted
24 by law.

1 (B) *SECURITY DEPOSIT.*—An employer who
2 provides housing to workers pursuant to para-
3 graph (1) may require, as a condition for pro-
4 viding such housing, a deposit not to exceed \$50
5 from workers occupying such housing to protect
6 against gross negligence or willful destruction of
7 property.

8 (C) *DAMAGES.*—An employer who provides
9 housing to workers pursuant to paragraph (1)
10 may require a worker found to have been respon-
11 sible for damage to such housing which is not the
12 result of normal wear and tear related to habi-
13 tation to reimburse the employer for the reason-
14 able cost of repair of such damage.

15 (6) *HOUSING ALLOWANCE AS ALTERNATIVE.*—

16 (A) *IN GENERAL.*—In lieu of offering hous-
17 ing pursuant to paragraph (1), subject to sub-
18 paragraphs (B) through (D), the employer may
19 on a case-by-case basis provide a reasonable
20 housing allowance. An employer who offers a
21 housing allowance to a worker pursuant to this
22 subparagraph shall not be deemed to be a hous-
23 ing provider under section 203 of the Migrant
24 and Seasonal Agricultural Worker Protection Act

1 (29 U.S.C. 1823) solely by virtue of providing
2 such housing allowance.

3 (B) *LIMITATION.*—At any time after the
4 date that is 3 years after the effective date of this
5 title, the governor of the State may certify to the
6 Secretary that there is not sufficient housing
7 available in an area of intended employment of
8 migrant farm workers or aliens provided status
9 pursuant to this title who are seeking temporary
10 housing while employed at farm work. Such cer-
11 tification may be canceled by the governor of the
12 State at any time, and shall expire after 5 years
13 unless renewed by the governor of the State.

14 (C) *EFFECT OF CERTIFICATION.*—If the gov-
15 ernor of the State makes the certification of in-
16 sufficient housing described in subparagraph (A)
17 with respect to an area of employment, employ-
18 ers of workers in that area of employment may
19 not offer the housing allowance described in sub-
20 paragraph (A) after the date that is 5 years after
21 such certification of insufficient housing for such
22 area, unless the certification has expired or been
23 canceled pursuant to subparagraph (B).

24 (D) *AMOUNT OF ALLOWANCE.*—The amount
25 of a housing allowance under this paragraph

1 *shall be equal to the statewide average fair mar-*
2 *ket rental for existing housing for nonmetropoli-*
3 *tan counties for the State in which the employ-*
4 *ment occurs, as established by the Secretary of*
5 *Housing and Urban Development pursuant to*
6 *section 8(c) of the United States Housing Act of*
7 *1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom*
8 *dwelling unit and an assumption of 2 persons*
9 *per bedroom.*

10 *(c) REIMBURSEMENT OF TRANSPORTATION.—*

11 *(1) TO PLACE OF EMPLOYMENT.—A worker who*
12 *is referred to a job opportunity under section 1105(a),*
13 *or an alien employed pursuant to this title, who com-*
14 *pletes 50 percent of the period of employment of the*
15 *job opportunity for which the worker was hired, may*
16 *apply to the employer for reimbursement of the cost*
17 *of the worker's transportation and subsistence from*
18 *the worker's permanent place of residence (or place of*
19 *last employment, if the worker traveled from such*
20 *place) to the place of employment to which the worker*
21 *was referred under section 1105(a).*

22 *(2) FROM PLACE OF EMPLOYMENT.—A worker*
23 *who is referred to a job opportunity under section*
24 *1105(a), or an alien employed pursuant to this title,*
25 *who completes the period of employment for the job*

1 *opportunity involved, may apply to the employer for*
2 *reimbursement of the cost of the worker's transpor-*
3 *tation and subsistence from the place of employment*
4 *to the worker's permanent place of residence.*

5 (3) *LIMITATION.—*

6 (A) *AMOUNT OF REIMBURSEMENT.—Except*
7 *as provided in subparagraph (B), the amount of*
8 *reimbursement provided under paragraph (1) or*
9 *(2) to a worker or alien shall not exceed the less-*
10 *er of—*

11 (i) *the actual cost to the worker or*
12 *alien of the transportation and subsistence*
13 *involved; or*

14 (ii) *the most economical and reason-*
15 *able transportation and subsistence costs*
16 *that would have been incurred had the*
17 *worker or alien used an appropriate com-*
18 *mon carrier, as determined by the Sec-*
19 *retary.*

20 (B) *DISTANCE TRAVELED.—No reimburse-*
21 *ment under paragraph (1) or (2) shall be re-*
22 *quired if the distance traveled is 100 miles or*
23 *less.*

24 (d) *CONTINUING OBLIGATION TO EMPLOY UNITED*
25 *STATES WORKERS.—*

1 (1) *IN GENERAL.*—An employer that applies for
2 registered workers under section 1104(a) shall, as a
3 condition for the approval of such application, con-
4 tinue to offer employment to qualified, eligible United
5 States workers who are referred under section 1105(b)
6 after the employer receives the report described in sec-
7 tion 1105(b).

8 (2) *LIMITATION.*—An employer shall not be obli-
9 gated to comply with paragraph (1)—

10 (A) after 50 percent of the anticipated pe-
11 riod of employment shown on the employer's ap-
12 plication under section 1104(a) has elapsed; or

13 (B) during any period in which the em-
14 ployer is employing no aliens in the occupation
15 for which the United States worker was referred;
16 or

17 (C) during any period when the Secretary
18 is conducting a search of a registry for job op-
19 portunities in the occupation and area of in-
20 tended employment to which the worker has been
21 referred, or other occupations in the area of in-
22 tended employment for which the worker is
23 qualified that offer substantially similar terms
24 and conditions of employment.

1 (3) *LIMITATION ON REQUIREMENT TO PROVIDE*
2 *HOUSING.*—Notwithstanding any other provision of
3 this title, an employer to whom a registered worker
4 is referred pursuant to paragraph (1) may provide a
5 reasonable housing allowance to such referred worker
6 in lieu of providing housing if the employer does not
7 have sufficient housing to accommodate the referred
8 worker and all other workers for whom the employer
9 is providing housing or has committed to provide
10 housing.

11 (4) *REFERRAL OF WORKERS DURING 50-PERCENT*
12 *PERIOD.*—The Secretary shall make all reasonable ef-
13 forts to place a registered worker in an open job ac-
14 ceptable to the worker, including available jobs not
15 listed on the registry, before referring such worker to
16 an employer for a job opportunity already filled by,
17 or committed to, an alien admitted pursuant to this
18 title.

19 *SEC. 1108. ENFORCEMENT AND PENALTIES. (a) EN-*
20 *FORCEMENT AUTHORITY.*—

21 (1) *INVESTIGATION OF COMPLAINTS.*—

22 (A) *IN GENERAL.*—The Secretary shall es-
23 tablish a process for the receipt, investigation,
24 and disposition of complaints respecting an em-
25 ployer's failure to meet a condition specified in

1 *section 1104 or an employer's misrepresentation*
2 *of material facts in an application under that*
3 *section. Complaints may be filed by any ag-*
4 *grieved person or any organization (including*
5 *bargaining representatives). No investigation or*
6 *hearing shall be conducted on a complaint con-*
7 *cerning such a failure or misrepresentation un-*
8 *less the complaint was filed not later than 12*
9 *months after the date of the failure or misrepre-*
10 *sentation, as the case may be. The Secretary*
11 *shall conduct an investigation under this para-*
12 *graph if there is reasonable cause to believe that*
13 *such a failure or misrepresentation has occurred.*

14 *(B) STATUTORY CONSTRUCTION.—Nothing*
15 *in this title limits the authority of the Secretary*
16 *of Labor to conduct any compliance investiga-*
17 *tion under any other labor law, including any*
18 *law affecting migrant and seasonal agricultural*
19 *workers or, in the absence of a complaint under*
20 *this paragraph, under this title.*

21 *(2) WRITTEN NOTICE OF FINDING AND OPPOR-*
22 *TUNITY FOR APPEAL.—After an investigation has been*
23 *conducted, the Secretary shall issue a written deter-*
24 *mination as to whether or not any violation described*
25 *in subsection (b) has been committed. The Secretary's*

1 *determination shall be served on the complainant and*
2 *the employer, and shall provide an opportunity for*
3 *an appeal of the Secretary's decision to an adminis-*
4 *trative law judge, who may conduct a de novo hear-*
5 *ing.*

6 *(b) REMEDIES.—*

7 *(1) BACK WAGES.—Upon a final determination*
8 *that the employer has failed to pay wages as required*
9 *under this section, the Secretary may assess payment*
10 *of back wages due to any United States worker or*
11 *alien described in section 101(a)(15)(H)(ii)(a) of the*
12 *Immigration and Nationality Act employed by the*
13 *employer in the specific employment in question. The*
14 *back wages shall be equal to the difference between the*
15 *amount that should have been paid and the amount*
16 *that actually was paid to such worker.*

17 *(2) FAILURE TO PAY WAGES.—Upon a final de-*
18 *termination that the employer has failed to pay the*
19 *wages required under this title, the Secretary may as-*
20 *sess a civil money penalty up to \$1,000 for each fail-*
21 *ure, and may recommend to the Attorney General the*
22 *disqualification of the employer from the employment*
23 *of aliens described in section 101(a)(15)(H)(ii)(a) of*
24 *the Immigration and Nationality Act for a period of*

1 *time determined by the Secretary not to exceed 1*
2 *year.*

3 (3) *OTHER VIOLATIONS.*—*If the Secretary, as a*
4 *result of an investigation pursuant to a complaint,*
5 *determines that an employer covered by an applica-*
6 *tion under section 1104(a) has—*

7 (A) *filed an application that misrepresents*
8 *a material fact; or*

9 (B) *failed to meet a condition specified in*
10 *section 1104,*

11 *the Secretary may assess a civil money penalty not*
12 *to exceed \$1,000 for each violation and may rec-*
13 *ommend to the Attorney General the disqualification*
14 *of the employer for substantial violations in the em-*
15 *ployment of any United States workers or aliens de-*
16 *scribed in section 101(a)(15)(ii)(a) of the Immigra-*
17 *tion and Nationality Act for a period of time deter-*
18 *mined by the Secretary not to exceed 1 year. In deter-*
19 *mining the amount of civil money penalty to be as-*
20 *essed or whether to recommend disqualification of the*
21 *employer, the Secretary shall consider the seriousness*
22 *of the violation, the good faith of the employer, the*
23 *size of the business of the employer being charged, the*
24 *history of previous violations by the employer, wheth-*
25 *er the employer obtained a financial gain from the*

1 *violation, whether the violation was willful, and other*
2 *relevant factors.*

3 (4) *PROGRAM DISQUALIFICATION.—*

4 (A) *3 YEARS FOR SECOND VIOLATION.—*

5 *Upon a second final determination that an em-*
6 *ployer has failed to pay the wages required*
7 *under this title or committed other substantial*
8 *violations under paragraph (3), the Secretary*
9 *shall report such determination to the Attorney*
10 *General and the Attorney General shall dis-*
11 *qualify the employer from the employment of*
12 *aliens described in section 101(a)(15)(H)(ii)(a)*
13 *of the Immigration and Nationality Act for a*
14 *period of 3 years.*

15 (B) *PERMANENT FOR THIRD VIOLATION.—*

16 *Upon a third final determination that an em-*
17 *ployer has failed to pay the wages required*
18 *under this section or committed other substantial*
19 *violations under paragraph (3), the Secretary*
20 *shall report such determination to the Attorney*
21 *General, and the Attorney General shall dis-*
22 *qualify the employer from any subsequent em-*
23 *ployment of aliens described in section*
24 *101(a)(15)(H)(ii)(a) of the Immigration and*
25 *Nationality Act.*

1 (c) *ROLE OF ASSOCIATIONS.*—

2 (1) *VIOLATION BY A MEMBER OF AN ASSOCIA-*
3 *TION.*—*An employer on whose behalf an application*
4 *is filed by an association acting as its agent is fully*
5 *responsible for such application, and for complying*
6 *with the terms and conditions of this title, as though*
7 *the employer had filed the application itself. If such*
8 *an employer is determined to have violated a require-*
9 *ment of this section, the penalty for such violation*
10 *shall be assessed against the employer who committed*
11 *the violation and not against the association or other*
12 *members of the association.*

13 (2) *VIOLATION BY AN ASSOCIATION ACTING AS AN*
14 *EMPLOYER.*—*If an association filing an application*
15 *on its own behalf as an employer is determined to*
16 *have committed a violation under this subsection*
17 *which results in disqualification from the program*
18 *under subsection (b), no individual member of such*
19 *association may be the beneficiary of the services of*
20 *an alien described in section 101(a)(15)(H)(ii)(a) of*
21 *the Immigration and Nationality Act in an occupa-*
22 *tion in which such alien was employed by the associa-*
23 *tion during the period such disqualification is in ef-*
24 *fect, unless such member files an application as an*
25 *individual employer or such application is filed on*

1 *the employer's behalf by an association with which*
 2 *the employer has an agreement that the employer will*
 3 *comply with the requirements of this title.*

4 *SEC. 1109. ALTERNATIVE PROGRAM FOR THE ADMIS-*
 5 *SION OF TEMPORARY H-2A WORKERS. (a) AMENDMENTS*
 6 *TO THE IMMIGRATION AND NATIONALITY ACT.—*

7 *(1) ELECTION OF PROCEDURES.—Section*
 8 *214(c)(1) of the Immigration and Nationality Act (8*
 9 *U.S.C. 1184(c)(1)) is amended—*

10 *(A) by striking the fifth and sixth sentences;*

11 *(B) by striking “(c)(1) The” and inserting*
 12 *“(c)(1)(A) Except as provided in subparagraph*
 13 *(B), the”; and*

14 *(C) by adding at the end the following new*
 15 *subparagraph:*

16 *“(B) Notwithstanding subparagraph (A), in*
 17 *the case of the importing of any nonimmigrant*
 18 *alien described in section 101(a)(15)(H)(ii)(a),*
 19 *the importing employer may elect to import the*
 20 *alien under the procedures of section 218 or sec-*
 21 *tion 218A, except that any employer that applies*
 22 *for registered workers under section 1104(a) of*
 23 *the Agricultural Job Opportunity Benefits and*
 24 *Security Act of 1998 shall import non-*
 25 *immigrants described in section*

1 101(a)(15)(H)(ii)(a) only in accordance with
 2 section 218A. For purposes of subparagraph (A),
 3 with respect to the importing of nonimmigrants
 4 under section 218, the term ‘appropriate agen-
 5 cies of Government’ means the Department of
 6 Labor and includes the Department of Agri-
 7 culture.”.

8 (2) *ALTERNATIVE PROGRAM.*—*The Immigration*
 9 *and Nationality Act is amended by inserting after*
 10 *section 218 (8 U.S.C. 1188) the following new section:*

11 “*ALTERNATIVE PROGRAM FOR THE ADMISSION OF*
 12 *TEMPORARY H–2A WORKERS*

13 “*SEC. 218A. (a) PROCEDURE FOR ADMISSION OR EX-*
 14 *TENSION OF ALIENS.*—

15 “*(1) ALIENS WHO ARE OUTSIDE THE UNITED*
 16 *STATES.*—

17 “*(A) CRITERIA FOR ADMISSIBILITY.*—

18 “*(i) IN GENERAL.*—*An alien described*
 19 *in section 101(a)(15)(H)(ii)(a) of the Immi-*
 20 *gration and Nationality Act shall be admis-*
 21 *sible under this section if the alien is des-*
 22 *ignated pursuant to section 1106 of the Ag-*
 23 *ricultural Job Opportunity Benefits and*
 24 *Security Act of 1998, otherwise admissible*
 25 *under this Act, and the alien is not ineli-*
 26 *gible under clause (ii).*

1 “(ii) *DISQUALIFICATION.—An alien*
2 *shall be ineligible for admission to the*
3 *United States or being provided status*
4 *under this section if the alien has, at any*
5 *time during the past 5 years—*

6 “(I) *violated a material provision*
7 *of this section, including the require-*
8 *ment to promptly depart the United*
9 *States when the alien’s authorized pe-*
10 *riod of admission under this section*
11 *has expired; or*

12 “(II) *otherwise violated a term or*
13 *condition of admission to the United*
14 *States as a nonimmigrant, including*
15 *overstaying the period of authorized*
16 *admission as such a nonimmigrant.*

17 “(iii) *INITIAL WAIVER OF INELIGIBIL-*
18 *ITY FOR UNLAWFUL PRESENCE.—An alien*
19 *who has not previously been admitted to the*
20 *United States pursuant to this section, and*
21 *who is otherwise eligible for admission in*
22 *accordance with clauses (i) and (ii), shall*
23 *not be deemed inadmissible by virtue of sec-*
24 *tion 212(a)(9)(B).*

1 “(B) *PERIOD OF ADMISSION.*—The alien
2 shall be admitted for the period requested by the
3 employer not to exceed 10 months, or the ending
4 date of the anticipated period of employment on
5 the employer’s application for registered workers,
6 whichever is less, plus an additional period of 14
7 days, during which the alien shall seek author-
8 ized employment in the United States. During
9 the 14-day period following the expiration of the
10 alien’s work authorization, the alien is not au-
11 thorized to be employed unless an employer who
12 is authorized to employ such worker has filed an
13 extension of stay on behalf of the alien pursuant
14 to paragraph (2).

15 “(C) *ABANDONMENT OF EMPLOYMENT.*—

16 “(i) *IN GENERAL.*—An alien admitted
17 or provided status under this section who
18 abandons the employment which was the
19 basis for such admission or providing status
20 shall be considered to have failed to main-
21 tain nonimmigrant status as an alien de-
22 scribed in section 101(a)(15)(H)(ii)(a) and
23 shall depart the United States or be subject
24 to removal under section 237(a)(1)(C)(i).

1 “(ii) *REPORT BY EMPLOYER.*—*The em-*
2 *ployer (or association acting as agent for*
3 *the employer) shall notify the Attorney Gen-*
4 *eral within 7 days of an alien admitted or*
5 *provided status under this Act pursuant to*
6 *an application to the Secretary of Labor*
7 *under section 1106 of the Agricultural Job*
8 *Opportunity Benefits and Security Act of*
9 *1998 by the employer who prematurely*
10 *abandons the alien’s employment.*

11 “(D) *ISSUANCE OF IDENTIFICATION AND*
12 *EMPLOYMENT ELIGIBILITY DOCUMENT.*—

13 “(i) *IN GENERAL.*—*The Attorney Gen-*
14 *eral shall cause to be issued to each alien*
15 *admitted under this section a card in a*
16 *form which is resistant to counterfeiting*
17 *and tampering for the purpose of providing*
18 *proof of identity and employment eligibility*
19 *under section 274A.*

20 “(ii) *DESIGN OF CARD.*—*Each card*
21 *issued pursuant to clause (i) shall be de-*
22 *signed in such a manner and contain a*
23 *photograph and other identifying informa-*
24 *tion (such as date of birth, sex, and distin-*
25 *guishing marks) that would allow an em-*

1 *ployer to determine with reasonable cer-*
2 *tainty that the bearer is not claiming the*
3 *identity of another individual, and shall—*

4 *“(I) specify the date of the alien’s*
5 *acquisition of status under this section;*

6 *“(II) specify the expiration date*
7 *of the alien’s work authorization; and*

8 *“(III) specify the alien’s admis-*
9 *sion number or alien file number.*

10 *“(2) EXTENSION OF STAY OF ALIENS IN THE*
11 *UNITED STATES.—*

12 *“(A) EXTENSION OF STAY.—If an employer*
13 *with respect to whom a report or application de-*
14 *scribed in section 1106(a)(1) of the Agricultural*
15 *Job Opportunity Benefits and Security Act of*
16 *1998 has been submitted seeks to employ an*
17 *alien who has acquired status under this section*
18 *and who is present in the United States, the em-*
19 *ployer shall file with the Attorney General an*
20 *application for an extension of the alien’s stay*
21 *or a change in the alien’s authorized employ-*
22 *ment. The application shall be accompanied by*
23 *a copy of the appropriate report or application*
24 *described in section 1106 of the Agricultural Job*
25 *Opportunity Benefits and Security Act of 1998.*

1 “(B) *LIMITATION ON FILING AN APPLICA-*
2 *TION FOR EXTENSION OF STAY.—An application*
3 *may not be filed for an extension of an alien’s*
4 *stay for a period of more than 10 months, or*
5 *later than a date which is 3 years from the date*
6 *of the alien’s last admission to the United States*
7 *under this section, whichever occurs first.*

8 “(C) *WORK AUTHORIZATION UPON FILING*
9 *AN APPLICATION FOR EXTENSION OF STAY.—An*
10 *employer may begin employing an alien who is*
11 *present in the United States who has acquired*
12 *status under this Act on the day the employer*
13 *files an application for extension of stay. For the*
14 *purpose of this requirement, the term ‘filing’*
15 *means sending the application by certified mail*
16 *via the United States Postal Service, return re-*
17 *ceipt requested, or delivered by guaranteed com-*
18 *mercial delivery which will provide the employer*
19 *with a documented acknowledgment of the date*
20 *of sending and receipt of the application. The*
21 *employer shall provide a copy of the employer’s*
22 *application to the alien, who shall keep the ap-*
23 *plication with the alien’s identification and em-*
24 *ployment eligibility document as evidence that*
25 *the application has been filed and that the alien*

1 *is authorized to work in the United States. Upon*
2 *approval of an application for an extension of*
3 *stay or change in the alien's authorized employ-*
4 *ment, the Attorney General shall provide a new*
5 *or updated employment eligibility document to*
6 *the alien indicating the new validity date, after*
7 *which the alien is not required to retain a copy*
8 *of the application.*

9 *“(D) LIMITATION ON EMPLOYMENT AU-*
10 *THORIZATION OF ALIENS WITHOUT VALID IDEN-*
11 *TIFICATION AND EMPLOYMENT ELIGIBILITY*
12 *CARD.—An expired identification and employ-*
13 *ment eligibility document, together with a copy*
14 *of an application for extension of stay or change*
15 *in the alien's authorized employment, shall con-*
16 *stitute a valid work authorization document for*
17 *a period of not more than 60 days from the date*
18 *of application for the extension of stay, after*
19 *which time only a currently valid identification*
20 *and employment eligibility document shall be ac-*
21 *ceptable.*

22 *“(E) LIMITATION ON AN INDIVIDUAL'S STAY*
23 *IN STATUS.—An alien having status under this*
24 *section may not have the status extended for a*
25 *continuous period longer than 3 years unless the*

1 *alien remains outside the United States for an*
2 *uninterrupted period of 6 months. An absence*
3 *from the United States may break the continuity*
4 *of the period for which a nonimmigrant visa*
5 *issued under section 101(a)(15)(H)(ii)(a) is*
6 *valid. If the alien has resided in the United*
7 *States 10 months or less, an absence breaks the*
8 *continuity of the period if it lasts for at least*
9 *2 months. If the alien has resided in the United*
10 *States 10 months or more, an absence breaks the*
11 *continuity of the period if it lasts for at least*
12 *one-fifth the duration of the stay.*

13 “(b) *STUDY BY THE ATTORNEY GENERAL.—The Attor-*
14 *ney General shall conduct a study to determine whether*
15 *aliens under this section depart the United States in a time-*
16 *ly manner upon the expiration of their period of authorized*
17 *stay. If the Attorney General finds that a significant num-*
18 *ber of aliens do not so depart and that a financial induce-*
19 *ment is necessary to assure such departure, then the Attor-*
20 *ney General shall so report to Congress and make rec-*
21 *ommendations on appropriate courses of action.’’.*

22 (b) *NO FAMILY MEMBERS PERMITTED.—Section*
23 *101(a)(15)(H) of the Immigration and Nationality Act (8*
24 *U.S.C. 1101(a)(15)(H)) is amended by striking “specified*

1 *in this paragraph” and inserting “specified in this sub-*
 2 *paragraph (other than in clause (ii)(a))”.*

3 (c) *CONFORMING AMENDMENT.—The table of contents*
 4 *of the Immigration and Nationality Act is amended by in-*
 5 *serting after the item relating to section 218 the following*
 6 *new item:*

“Sec. 218A. Alternative program for the admission of H-2A workers.”.

7 (d) *REPEAL AND ADDITIONAL CONFORMING AMEND-*
 8 *MENTS.—*

9 (1) *REPEAL.—Section 218 of the Immigration*
 10 *and Nationality Act is repealed.*

11 (2) *TECHNICAL AMENDMENTS.—(A) Section*
 12 *218A of the Immigration and Nationality Act is re-*
 13 *designated as section 218.*

14 (B) *The table of contents of that Act is amended*
 15 *by striking the item relating to section 218A.*

16 (C) *The section heading for section 218 of that*
 17 *Act is amended by striking “ALTERNATIVE PROGRAM*
 18 *FOR”.*

19 (3) *TERMINATION OF EMPLOYER ELECTION.—*
 20 *Section 214(c)(1)(B) of the Immigration and Nation-*
 21 *ality Act is amended to read as follows:*

22 *“(B) Notwithstanding subparagraph (A), the proce-*
 23 *dures of section 218 shall apply to the importing of any*
 24 *nonimmigrant alien described in section*
 25 *101(a)(15)(H)(ii)(a).”.*

1 (4) *MAINTENANCE OF CERTAIN SECTION 218 PRO-*
 2 *VISIONS.—Section 218 (as redesignated by paragraph*
 3 *(2) of this subsection) is amended by adding at the*
 4 *end the following:*

5 “(d) *MISCELLANEOUS PROVISIONS.—(1) The Attorney*
 6 *General shall provide for such endorsement of entry and*
 7 *exit documents of nonimmigrants described in section*
 8 *101(a)(15)(H)(ii) as may be necessary to carry out this sec-*
 9 *tion and to provide notice for purposes of section 274A.*

10 “(2) *The provisions of subsections (a) and (c) of section*
 11 *214 and the provisions of this section preempt any State*
 12 *or local law regulating admissibility of nonimmigrant*
 13 *workers.”.*

14 (5) *EFFECTIVE DATE.—The repeal and amend-*
 15 *ments made by this subsection shall take effect 5 years*
 16 *after the date of enactment of this title.*

17 *SEC. 1110. INCLUSION IN EMPLOYMENT-BASED IMMI-*
 18 *GRATION PREFERENCE ALLOCATION. (a) AMENDMENT OF*
 19 *THE IMMIGRATION AND NATIONALITY ACT.—Section*
 20 *203(b)(3)(A) of the Immigration and Nationality Act (8*
 21 *U.S.C. 1153(b)(3)(A)) is amended—*

22 (1) *by redesignating clause (iii) as clause (iv);*

23 *and*

24 (2) *by inserting after clause (ii) the following:*

1 “(iii) *AGRICULTURAL WORKERS.*—
 2 *Qualified immigrants who have completed*
 3 *at least 6 months of work in the United*
 4 *States in each of 4 consecutive calendar*
 5 *years under section 101(a)(15)(H)(ii)(a),*
 6 *and have complied with all terms and con-*
 7 *ditions applicable to that section.”.*

8 (b) *CONFORMING AMENDMENT.*—*Section 203(b)(3)(B)*
 9 *of the Immigration and Nationality Act (8 U.S.C.*
 10 *1153(b)(3)(A)) is amended by striking “subparagraph*
 11 *(A)(iii)” and inserting “subparagraph (A)(iv)”.*

12 (c) *EFFECTIVE DATE.*—*The amendments made by sub-*
 13 *sections (a) and (b) shall apply to aliens described in sec-*
 14 *tion 101(a)(15)(H)(ii)(a) admitted to the United States be-*
 15 *fore, on, or after the effective date of this title.*

16 *SEC. 1111. MIGRANT AND SEASONAL HEAD START*
 17 *PROGRAM. (a) IN GENERAL.*—*Section 637(12) of the Head*
 18 *Start Act (42 U.S.C. 9832(12)) is amended—*

19 (1) *by inserting “and seasonal” after “migrant”;*
 20 *and*

21 (2) *by inserting before the period the following:*
 22 *“, or families whose incomes or labor is primarily*
 23 *dedicated to performing seasonal agricultural labor*
 24 *for hire but whose places of residency have not*

1 *changed to another geographic location in the preced-*
 2 *ing 2-year period”.*

3 **(b) FUNDS SET-ASIDE.**—Section 640(a) (42 U.S.C.
 4 9835(a)) is amended—

5 (1) in paragraph (2), strike “13” and insert
 6 “14”;

7 (2) in paragraph (2)(A), by striking “1994” and
 8 inserting “1998”; and

9 (3) by adding at the end the following new para-
 10 graph:

11 “(8) In determining the need for migrant and
 12 seasonal Head Start programs and services, the Sec-
 13 retary shall consult with the Secretary of Labor, other
 14 public and private entities, and providers. Notwith-
 15 standing paragraph (2)(A), after conducting such
 16 consultation, the Secretary shall further adjust the
 17 amount available for such programs and services, tak-
 18 ing into consideration the need and demand for such
 19 services.”.

20 **SEC. 1112. REGULATIONS.** (a) **REGULATIONS OF THE**
 21 **ATTORNEY GENERAL.**—The Attorney General shall consult
 22 with the Secretary and the Secretary of Agriculture on all
 23 regulations to implement the duties of the Attorney General
 24 under this title.

1 (b) *REGULATIONS OF THE SECRETARY OF STATE.*—
2 *The Secretary of State shall consult with the Attorney Gen-*
3 *eral on all regulations to implement the duties of the Sec-*
4 *retary of State under this title.*

5 *SEC. 1113. FUNDING. If additional funds are necessary*
6 *to pay the start-up costs of the registries established under*
7 *section 1103(a), such costs may be paid out of amounts*
8 *available to Federal or State governmental entities under*
9 *the Wagner-Peyser Act (29 U.S.C. 49 et seq.). Except as*
10 *provided for by subsequent appropriation, additional ex-*
11 *penses incurred for administration by the Attorney General,*
12 *the Secretary of Labor, and the Secretary of State shall be*
13 *paid for out of appropriations otherwise made available to*
14 *their respective departments.*

15 *SEC. 1114. REPORT TO CONGRESS. Not later than 3*
16 *years after the date of enactment of this Act and 5 years*
17 *after the date of enactment of this Act, the Attorney General*
18 *and the Secretaries of Agriculture and Labor shall jointly*
19 *prepare and transmit to Congress a report describing the*
20 *results of a review of the implementation of and compliance*
21 *with this title. The report shall address—*

22 (1) *whether the program has ensured an ade-*
23 *quate and timely supply of qualified, eligible workers*
24 *at the time and place needed by employers;*

1 (2) *whether the program has ensured that aliens*
2 *admitted under this program are employed only in*
3 *authorized employment, and that they timely depart*
4 *the United States when their authorized stay ends;*

5 (3) *whether the program has ensured that par-*
6 *ticipating employers comply with the requirements of*
7 *the program with respect to the employment of United*
8 *States workers and aliens admitted under this pro-*
9 *gram;*

10 (4) *whether the program has ensured that aliens*
11 *admitted under this program are not displacing eligi-*
12 *ble, qualified United States workers or diminishing*
13 *the wages and other terms and conditions of employ-*
14 *ment of eligible United States workers;*

15 (5) *whether the housing provisions of this pro-*
16 *gram ensure that adequate housing is available to*
17 *workers employed under this program who are re-*
18 *quired to be provided housing or a housing allowance;*
19 *and*

20 (6) *recommendations for improving the oper-*
21 *ation of the program for the benefit of participating*
22 *employers, eligible United States workers, participat-*
23 *ing aliens, and governmental agencies involved in ad-*
24 *ministering the program.*

1 *SEC. 1115. PRESIDENTIAL AUTHORITY. In implement-*
2 *ing this title, the President of the United States shall not*
3 *implement any provision that he deems to be in violation*
4 *of any of the following principles—*

5 *(1) where the procedures for using the program*
6 *are simple and the least burdensome for growers;*

7 *(2) which assures an adequate labor supply for*
8 *growers in a predictable and timely manner;*

9 *(3) that provides a clear and meaningful first*
10 *preference for United States farm workers and a*
11 *means for mitigating against the development of a*
12 *structural dependency on foreign workers in an area*
13 *or crop;*

14 *(4) which avoids the transfer of costs and risks*
15 *from businesses to low wage workers;*

16 *(5) that encourages longer periods of employment*
17 *for legal United States workers;*

18 *(6) which assures decent wages and working con-*
19 *ditions for domestic and foreign farm workers, and*
20 *that normal market forces work to improve wages,*
21 *benefits, and working conditions.*

22 *SEC. 1116. EFFECTIVE DATE. This title and the*
23 *amendments made by this title shall take effect 180 days*
24 *after the date of enactment of this title.*

1 *TITLE XII—NURSING RELIEF FOR*
 2 *DISADVANTAGED AREAS*

3 *SEC. 1201. SHORT TITLE. This title may be cited as*
 4 *the “Nursing Relief for Disadvantaged Areas Act of 1998”.*

5 *SEC. 1202. REQUIREMENTS FOR ADMISSION OF NON-*
 6 *IMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE*
 7 *AREAS DURING 4-YEAR PERIOD. (a) ESTABLISHMENT OF*
 8 *A NEW NONIMMIGRANT CLASSIFICATION FOR NON-*
 9 *IMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE*
 10 *AREAS.—Section 101(a)(15)(H)(i) of the Immigration and*
 11 *Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended*
 12 *by striking “; or” at the end and inserting the following:*
 13 *“; or (c) who is coming temporarily to the United States*
 14 *to perform services as a registered nurse, who meets the*
 15 *qualifications described in section 212(m)(1), and with re-*
 16 *spect to whom the Secretary of Labor determines and cer-*
 17 *tifies to the Attorney General that an unexpired attestation*
 18 *is on file and in effect under section 212(m)(2) for the facil-*
 19 *ity (as defined in section 212(m)(6)) for which the alien*
 20 *will perform the services; or”.*

21 *(b) REQUIREMENTS.—Section 212(m) of the Immigra-*
 22 *tion and Nationality Act (8 U.S.C. 1182(m)) is amended*
 23 *to read as follows:*

24 *“(m)(1) The qualifications referred to in section*
 25 *101(a)(15)(H)(i)(c), with respect to alien who is coming to*

1 *the United States to perform nursing services for a facility,*
2 *are that the alien—*

3 “(A) *has obtained a full and unrestricted license*
4 *to practice professional nursing in the country where*
5 *the alien obtained nursing education or has received*
6 *nursing education in the United States;*

7 “(B) *has passed an appropriate examination*
8 *(recognized in regulations promulgated in consulta-*
9 *tion with the Secretary of Health and Human Serv-*
10 *ices) or has a full and unrestricted license under*
11 *State law to practice professional nursing in the*
12 *State of intended employment; and*

13 “(C) *is fully qualified and eligible under the*
14 *laws (including such temporary or interim licensing*
15 *requirements which authorize the nurse to be em-*
16 *ployed) governing the place of intended employment*
17 *to engage in the practice of professional nursing as a*
18 *registered nurse immediately upon admission to the*
19 *United States and is authorized under such laws to*
20 *be employed by the facility.*

21 “(2)(A) *The attestation referred to in section*
22 *101(a)(15)(H)(i)(c), with respect to a facility for which an*
23 *alien will perform services, is an attestation as to the fol-*
24 *lowing:*

1 “(i) *The facility meets all the requirements of*
2 *paragraph (6).*

3 “(ii) *The employment of the alien will not ad-*
4 *versely affect the wages and working conditions of*
5 *registered nurses similarly employed.*

6 “(iii) *The alien employed by the facility will be*
7 *paid the wage rate for registered nurses similarly em-*
8 *ployed by the facility.*

9 “(iv) *The facility has taken and is taking timely*
10 *and significant steps designed to recruit and retain*
11 *sufficient registered nurses who are United States*
12 *citizens or immigrants who are authorized to perform*
13 *nursing services, in order to remove as quickly as rea-*
14 *sonably possible the dependence of the facility on non-*
15 *immigrant registered nurses.*

16 “(v) *There is not a strike or lockout in the course*
17 *of a labor dispute, and the employment of such an*
18 *alien is not intended or designed to influence an elec-*
19 *tion for a bargaining representative for registered*
20 *nurses of the facility.*

21 “(vi) *At the time of the filing of the petition for*
22 *registered nurses under section 101(a)(15)(H)(i)(c),*
23 *notice of the filing has been provided by the facility*
24 *to the bargaining representative of the registered*
25 *nurses at the facility or, where there is no such bar-*

1 *gaining representative, notice of the filing has been*
2 *provided to the registered nurses employed at the fa-*
3 *cility through posting in conspicuous locations.*

4 *“(vii) The facility will not, at any time, employ*
5 *a number of aliens issued visas or otherwise provided*
6 *nonimmigrant status under section*
7 *101(a)(15)(H)(i)(c) that exceeds 33 percent of the*
8 *total number of registered nurses employed by the fa-*
9 *cility.*

10 *“(viii) The facility will not, with respect to any*
11 *alien issued a visa or otherwise provided non-immi-*
12 *grant status under section 101(a)(15)(H)(i)(c)—*

13 *“(I) authorize the alien to perform nursing*
14 *services at any worksite other than a worksite*
15 *controlled by the facility; or*

16 *“(II) transfer the place of employment of*
17 *the alien from one worksite to another.*

18 *Nothing in clause (iv) shall be construed as requiring a fa-*
19 *cility to have taken significant steps described in such*
20 *clause before the date of the enactment of the Health Profes-*
21 *sional Shortage Area Nursing Relief Act of 1998. A copy*
22 *of the attestation shall be provided, within 30 days of the*
23 *date of filing, to registered nurses employed at the facility*
24 *on the date of the filing.*

1 “(B) For purposes of subparagraph (A)(iv), each of the
2 following shall be considered a significant step reasonably
3 designed to recruit and retain registered nurses:

4 “(i) Operating a training program for registered
5 nurses at the facility or financing (or providing par-
6 ticipation in) a training program for registered
7 nurses elsewhere.

8 “(ii) Providing career development programs
9 and other methods of facilitating health care workers
10 to become registered nurses.

11 “(iii) Paying registered nurses wages at a rate
12 higher than currently being paid to registered nurses
13 similarly employed in the geographic area.

14 “(iv) Providing reasonable opportunities for
15 meaningful salary advancement by registered nurses.

16 The steps described in this subparagraph shall not be con-
17 sidered to be an exclusive list of the significant steps that
18 may be taken to meet the conditions of subparagraph
19 (A)(iv). Subparagraph (A)(iv)’s requirement shall be satis-
20 fied by a facility taking any of the steps listed in this sub-
21 paragraph.

22 “(C) Subject to subparagraph (E), an attestation
23 under subparagraph (A)—

24 “(i) shall expire on the date that is the later of—

1 “(I) the end of the one-year period begin-
2 ning of the date of its filing with the Secretary
3 of Labor; or

4 “(II) the end of the period of admission
5 under section 101(a)(15)(H)(i)(c) of the last
6 alien with respect to whose admission it was ap-
7 plied (in accordance with clause (ii)); and

8 “(ii) shall apply to petitions filed during the
9 one-year period beginning on the date of its filing
10 with the Secretary of Labor if the facility states in
11 each such petition that it continues to comply with
12 the conditions in the attestation.

13 “(D) A facility may meet the requirements under this
14 paragraph with respect to more than one registered nurse
15 in a single petition.

16 “(E)(i) The Secretary of Labor shall compile and make
17 available for public examination in a timely manner in
18 Washington, D.C., a list identifying facilities which have
19 filed petitions for nonimmigrants under section
20 101(a)(15)(H)(i)(c) and, for each such facility, a copy of
21 the facility’s attestation under subparagraph (A) (and ac-
22 companying documentation) and each such petition filed
23 by the facility.

24 “(ii) The Secretary of Labor shall establish a process,
25 including reasonable time limits, for the receipt, investiga-

1 tion, and disposition of complaints respecting a facility's
2 failure to meet conditions attested to or a facility's mis-
3 representation of a material fact in an attestation. Com-
4 plaints may be filed by any aggrieved person or organiza-
5 tion (including bargaining representatives, associations
6 deemed appropriate by the Secretary, and other aggrieved
7 parties as determined under regulations of the Secretary).
8 The Secretary shall conduct an investigation under this
9 clause if there is reasonable cause to believe that a facility
10 fails to meet conditions attested to. Subject to the time lim-
11 its established under this clause, this subparagraph shall
12 apply regardless of whether an attestation is expired or un-
13 expired at the time a complaint is filed.

14 “(iii) Under such process, the Secretary shall provide,
15 within 180 days after the date such a complaint is filed,
16 for a determination as to whether or not a basis exists to
17 make a finding described in clause (iv). If the Secretary
18 determines that such a basis exists, the Secretary shall pro-
19 vide for notice of such determination to the interested par-
20 ties and an opportunity for a hearing on the complaint
21 within 60 days of the date of the determination.

22 “(iv) If the Secretary of Labor finds, after notice and
23 opportunity for a hearing, that a facility (for which an at-
24 testation is made) has failed to meet a condition attested
25 to or that there was a misrepresentation of material fact

1 *in the attestation, the Secretary shall notify the Attorney*
2 *General of such finding and may, in addition, impose such*
3 *an administrative remedies (including civil monetary pen-*
4 *alties in an amount not to exceed \$1,000 per nurse per vio-*
5 *lation, with the total penalty not to exceed \$10,000 per vio-*
6 *lation) as the Secretary determines to be appropriate. Upon*
7 *receipt of such notice, the Attorney General shall not ap-*
8 *prove petitions filed with respect to a facility during a pe-*
9 *riod of at least one year for nurses to be employed by the*
10 *facility.*

11 “(v) *In addition to the sanctions provided for under*
12 *clause (iv), if the Secretary of Labor finds, after notice and*
13 *an opportunity for a hearing that, a facility has violated*
14 *the condition attested to under subparagraph (A)(iii) (re-*
15 *lating to payment of registered nurses at the prevailing*
16 *wage rate), the Secretary shall order the facility to provide*
17 *for payment of such amounts of back pay as may be re-*
18 *quired to comply with such condition.*

19 “(F)(i) *The Secretary of Labor shall impose on a facil-*
20 *ity filing an attestation under subparagraph (A) a filing*
21 *fee, in an amount prescribed by the Secretary based on the*
22 *costs of carrying out the Secretary’s duties under this sub-*
23 *section, but not exceeding \$250.*

1 “(ii) *Fees collected under this subparagraph shall be*
2 *deposited in a fund established for this purpose in the*
3 *Treasury of the United States.*

4 “(iii) *The collected fees in the fund shall be available*
5 *to the Secretary of Labor, to the extent and in such amounts*
6 *as may be provided in appropriations Acts, to cover the*
7 *costs described in clause (i), in addition to any other funds*
8 *that are available to the Secretary to cover such costs.*

9 “(3) *The period of admission of an alien under section*
10 *101(a)(15)(H)(i)(c) shall be 3 years.*

11 “(4) *The total number of nonimmigrant visas issued*
12 *pursuant to petitions granted under section*
13 *101(a)(15)(H)(i)(c) in each fiscal year shall not exceed 500.*
14 *The number of petitions granted under section*
15 *101(a)(15)(H)(i)(c) for each State in each fiscal year shall*
16 *not exceed the following:*

17 “(A) *For States with populations of less than*
18 *9,000,000 based upon the 1990 decennial census of*
19 *population, 25 petitions.*

20 “(B) *For States with populations of 9,000,000 or*
21 *more, based upon the 1990 decennial census of popu-*
22 *lation, 50 petitions.*

23 “(C) *If the total number of visas available under*
24 *this paragraph for a calendar quarter exceeds the*
25 *number of qualified nonimmigrants who may be*

1 *issued such visas, the visas made available under this*
2 *paragraph shall be issued without regard to the nu-*
3 *merical limitations under subparagraphs (A) and (B)*
4 *of this paragraph during the remainder of the cal-*
5 *endar quarter.*

6 “(5) *A facility that has filed a petition under section*
7 *101(a)(15)(H)(I)(c) to employ a nonimmigrant to perform*
8 *nursing services for the facility—*

9 “(A) *shall provide the nonimmigrant a wage*
10 *rate and working conditions commensurate with those*
11 *of nurses similarly employed by the facility;*

12 “(B) *shall require the nonimmigrant to work*
13 *hours commensurate with those of nurses similarly*
14 *employed by the facility; and*

15 “(C) *shall not interfere with the right of the non-*
16 *immigrant to join or organize a union.*

17 “(6) *For purposes of this subsection and section*
18 *101(a)(15)(H)(i)(c), the term ‘facility’ means a subsection*
19 *(d) hospital (as defined in section 1886(d)(1)(B) of the So-*
20 *cial Security Act (42 U.S.C. 1395ww(d)(1)(B))) that meets*
21 *the following requirements:*

22 “(A) *As of March 31, 1997, the hospital was lo-*
23 *cated in a health professional shortage area (as de-*
24 *finied in section 332 of the Public Health Service Act*
25 *(42 U.S.C. 254e)).*

1 “(B) *Based on its settled cost report filed under*
 2 *title XVIII of the Social Security Act for its costs re-*
 3 *porting period beginning during fiscal year 1994—*

4 “(i) *the hospital has not less than 190 li-*
 5 *censed acute care beds;*

6 “(ii) *the number of the hospital’s inpatient*
 7 *days for such period which were made up of pa-*
 8 *tients who (for such days) were entitled to bene-*
 9 *fits under part A of such title is not less than*
 10 *35 percent of the total number of such hospital’s*
 11 *acute care inpatient days for such period; and*

12 “(iii) *the number of the hospital’s inpatient*
 13 *days for such period which were made up of pa-*
 14 *tients who (for such days) were eligible for medi-*
 15 *cal assistance under a State plan approved*
 16 *under title XIX of the Social Security Act, is not*
 17 *less than 28 percent of the total number of such*
 18 *hospital’s acute care inpatient days for such pe-*
 19 *riod.”.*

20 (c) *REPEALER.*—*Clause (i) of section 101(a)(15)(H) of*
 21 *the Immigration and Nationality Act (8 U.S.C.*
 22 *1101(a)(15)(H)(i)) is amended by striking subclause (a).*

23 (d) *IMPLEMENTATION.*—*Not later than 90 days after*
 24 *the date of enactment of this Act, the Secretary of Labor*
 25 *(in consultation, to the extent required, with the Secretary*

1 of Health and Human Services) and the Attorney General
 2 shall promulgate final or interim final regulations to carry
 3 out section 212(m) of the Immigration and Nationality Act
 4 (as amended by subsection (b)).

5 (e) *LIMITING APPLICATION OF NONIMMIGRANT*
 6 *CHANGES TO 4-YEAR PERIOD.*—The amendments made by
 7 this section shall apply to classification petitions filed for
 8 nonimmigrant status only during the 4-year period begin-
 9 ning on the date that interim or final regulation are first
 10 promulgated under subsection (d).

11 *SEC. 1203. RECOMMENDATIONS FOR ALTERNATIVE*
 12 *REMEDY FOR NURSING SHORTAGE.* Not later than the last
 13 day of the 4-year period described in section 1202(e), the
 14 Secretary of Health and Human Services and the Secretary
 15 of Labor shall jointly submit to Congress recommendations
 16 (including legislative specifications) with respect to the fol-
 17 lowing:

18 (1) *A program to eliminate the dependence of fa-*
 19 *cilities described in section 212(m)(6) of the Immigra-*
 20 *tion and Nationality Act (as amended by section*
 21 *1202(b)) on nonimmigrant registered nurses by pro-*
 22 *viding for a permanent solution to the shortage of*
 23 *registered nurses who are United States citizens or*
 24 *aliens lawfully admitted for permanent residence.*

1 (2) *A method of enforcing the requirements im-*
2 *posed on facilities under sections 101(a)(15)(H)(i)(c)*
3 *and 212(m) of the Immigration and Nationality Act*
4 *(as amended by section 1202) that would be more ef-*
5 *fective than the process described in section*
6 *212(m)(2)(E) of such Act (as so amended).*

7 *This Act may be cited as the “Departments of Com-*
8 *merce, Justice, and State, the Judiciary, and Related Agen-*
9 *cies Appropriations Act, 1999”.*

Attest:

Secretary.

105TH CONGRESS
2^D SESSION

H. R. 4276

AMENDMENT

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